

**LOCAL RULES
OF THE
PORTER SUPERIOR
COURT**

PREAMBLE

- I. **AUTHORITY.** These rules are adopted pursuant to Rule 81 of the Indiana Rules of Trial Procedure, and are intended to supplement those rules.
- II. **SCOPE.** These rules apply to all litigants, whether or not represented by an attorney. Where not in conflict with Indiana Statutes, the Indiana Trial Rules or any subsequent modifications or amendments thereto, these rules shall govern the practice and procedure before the unified Porter Superior Court, hereinafter referred to as "Court".
- III. **PURPOSE.** Local rules of practice and procedure are promulgated to promote the just and speedy resolution of cases and to provide uniformity and consistency among the Judges of the Court.
- IV. **PROCEDURE.** Each year the Judges shall review the rules and consider changes and additions suggested by the Porter County Bar Association, the Porter County Prosecuting Attorney and the Porter County Public Defender.
- V. **DISTRIBUTION.** Pursuant to Trial Rule 81, in addition to these rules being forwarded to the Clerk of the Supreme Court and the Court of Appeals, copies shall also be forwarded without charge to the State Court Administrator, Porter County Prosecuting Attorney, Porter County Public Defender, Porter County Clerk, President of the Porter County Bar Association, public libraries of Porter County, and the Valparaiso University School of Law Library. Attorneys and members of the public may obtain copies of these rules by purchasing same from the office of the Porter County Clerk.
- VI. **PRIOR RULES.** All previous local rules of the Superior Courts of Porter County are hereby abolished.
- VII. **JUDGES.** The Judge of the Porter Circuit Court is desirous of serving as a Judge of the Porter Superior Court and the Judges of the Superior Court consent thereto. Therefore, pursuant to I.C. 33-5-38-28, the Judge of the Circuit Court is a member of the unified Porter Superior Court.

At any time the Judge of the Porter Circuit Court may withdraw the election to serve as a Judge of the Porter Superior Court. Further, at any time the Judges elected as Judges of the Porter Superior Court may, by majority vote, withdraw their consent to the Judge of the Porter Circuit Court serving as a Judge of the Porter Superior Court. In either event, all cases then pending having a cause number beginning with 64D05 shall continue to be assigned to the Judge of the Porter Circuit Court.

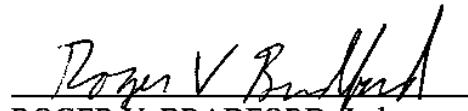
It has been the experience of the judges that not having a presiding judge fosters cooperation and unity among the judges. Therefore, the judges unanimously and expressly agree that there shall be no presiding judge elected.


VIII. CITATION. These rules shall be cited as L.R. ____.

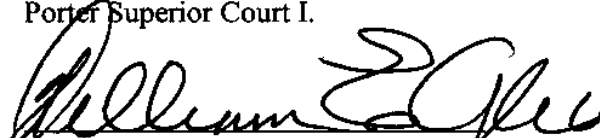
IX. PENDING CASES. All cases pending on the effective date of these rules shall remain assigned to the Judge or Magistrate to whom they were previously assigned.


X. PROMULGATION. After the adoption the Clerk of this Court shall forward an approved signed copy of the rules to the persons and/or agencies referred to in V. above.

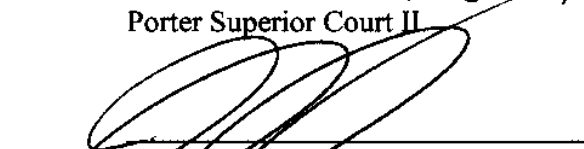
ADOPTED BY THE COURT THIS 17th DAY OF December, 2004.



ROGER V. BRADFORD, Judge
Porter Superior Court I.


DAVID L. CHIDESTER, Judge
Porter Superior Court IV.


WILLIAM E. ALEXA, Judge
Porter Superior Court II.


MARY R. HARPER, Judge
Porter Superior Court V.


JULIA M. JENT, Judge
Porter Superior Court III.


JEFFREY L. THODE, Judge
Porter Superior Court VI.

ATTESTED TO THIS 17th DAY OF DECEMBER, 2004.



DALE BREWER, Clerk
Porter County, Indiana.

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I.

SMALL CLAIMS

RULE 1. GENERAL PROCEDURE

A. Conflict of Rules. All small claim proceedings in the Porter Superior Court, County Division shall be governed by the Small Claims Rules promulgated from time to time by the Indiana Supreme Court, and these published herein. In any instance where these rules conflict with the rules of the Indiana Supreme Court, the latter shall control.

B. Tender of Completed Documents and Proper Costs. Parties or their attorneys are solely responsible for tender to the Court of any documents desired to be filed in complete and correct form, together with proper costs and the correct number of copies, as determined by the Clerk. Neither the Court nor the Clerk will be responsible for delays or deadlines missed due to the tender of incomplete or incorrect documents, improper costs, or insufficient number of copies.

C. Appearance by Husband or Wife. Except for hearing on proceedings supplemental or by contrary order of the Court, appearances by a party's spouse shall be considered the appearance of the party upon said spouse's representation on the record that the party and the appearing spouse are currently married and cohabiting.

D. Parties Current Addresses. Notices from the Court will be sent to the parties at the most recent address in the Court's possession. The parties are solely responsible to advise the Court in writing of any change of address. Failure of plaintiff to notify the Court of his/her current address may result in the dismissal of the claim.

RULE 2. FORMS

A. Court's Forms. The Court shall from time to time, and through consultation with the Clerk, draft forms for use of litigants, the Clerk, and the Court in small claims actions. All small claims shall be filed on forms furnished by the Clerk of the Court.

B. No Other Forms. Originals or photocopies of the forms described in L.R. 2A shall be acceptable for filing. Any other form, photocopy or computer generated copy thereof presented to the Clerk shall be accepted for filing upon approval of the Judge to whom the case is assigned.

C. Production and Form. All filings shall be placed on white, 8-1/2" x 11" paper, with printing or writing on one side only.

RULE 3. HEARING CALENDARS

A. General Procedure. Upon the filing of a notice of claim, the Clerk shall schedule the first hearing of said claim on the uncontested or contested calendar.

B. Uncontested Calendar. If the notice of claim is set for first hearing on the uncontested calendar, no party is expected to be prepared for trial on the merits at the first hearing, and the purpose of this hearing shall be for the parties to informally meet and resolve their dispute and the notice of claim shall contain this information. A party's failure to appear for the uncontested hearing shall be cause for entry of default judgment or dismissal against said party. At the conclusion of the uncontested hearing either party may move to set the trial on the contested calendar.

C. Contested Calendar. If the notice of claim is set for first hearing on the contested calendar, all parties are expected to prepare for a trial on the merits at this time and the notice of claim shall contain this information.

D. Change of Calendar. When any continuance is granted, a hearing on the cause may be rescheduled to a calendar other than the calendar on which the claim was originally set. However, if such a change is made, the party making said change is responsible for notifying the opposing party of the change.

E. Alternative Dispute Resolution in SC Cases. The Court may order Alternative Dispute Resolution (ADR) in the form of mediation at the request of either party or in the discretion of the Court.

RULE 4. CONTINUANCES

A. General Rule. Each party to a small claims action shall be granted only one continuance, provided the same is agreed upon and approved by the Court not less than ten (10) days before the trial date. The cause shall be promptly re-set as soon thereafter as the court docket permits by the party moving for the continuance. A continuance under this subsection may not be granted within 24 hours of the trial, unless approved by a Judge. All motions for continuance must be made in person or by the party's attorney who has filed a written appearance on behalf of said party. The party or attorney obtaining the continuance shall notify any opposing party in a timely fashion.

B. No Delay Beyond Nine (9) Months. No case shall be continued for trial beyond nine (9) months from the date the action is filed. Only extreme hardship or emergency shall serve as an exception. Any continuance shall be granted only by the Court upon due showing of extreme hardship or emergency by either party. Said hardship condition shall be reported to the Court immediately upon learning of the hardship. In the event such extreme hardship or emergency is shown, the Court will grant an additional continuance for a period not longer than necessary.

C. Possession of Real Estate. No continuance shall be granted to a defendant where the action involves the issue of possession of real estate, except for good cause shown and upon approval by the Court.

D. Sanctions for Failure to Notify. Where notice of continuance has not been timely given, the Court may assess sanctions which may include, but are not limited to, reasonable attorney's fees, lost wages and other costs for each party and necessary witness appearances due to lack of notice. Motions for sanctions shall be heard as a part of the trial on the merits.

RULE 5. DISMISSAL OF ACTIONS

A. Dismissal by Plaintiff. Any claim may be dismissed by the plaintiff at any time before judgment has been entered unless a counterclaim has been filed by a defendant.

B. Dismissal by Stipulation. Any claim may be dismissed by filing a stipulation of dismissal signed by all parties to the claim.

C. Conversion of Action from Small Claims to Plenary Docket. If any pending case having an SC designation is converted or transferred to the plenary docket and is given a PL, CT, or CC case designation, the Clerk shall affix the appropriate new designation to the caption and file and the case shall remain in the same court as the original SC designation. Should a Motion for Change of Judge be granted pursuant to IC 33-5-2-6, the Court shall name the other two county division judges and a superior division judge or magistrate.

RULE 6. DEFAULT

A. Grace Period. The Court shall permit each party a ten (10)minute grace period to appear for any proceeding.

B. Default of Defendant. Upon the failure of a defendant to appear at any hearing, or trial, judgment may be entered against said defendant on the merits.

C. Default of Plaintiff. Upon the failure of a plaintiff to appear at any hearing or at a trial on the merits, the cause may be dismissed without prejudice. Further, default judgment may be entered for the defendant against the plaintiff on any timely-filed counterclaim. Upon plaintiff's failure to appear at the initial hearing or at a trial on the merits in a subsequent cause based on the same facts as the cause earlier dismissed without prejudice, the cause may be dismissed with prejudice and a default judgment may be entered for the defendant against the plaintiff on any timely-filed counterclaim.

D. Notice in the Event of Inadequate Service. Where the Court has received return of service which discloses less than ten (10) days notice to any defendant of a hearing set pursuant to L.R. 3(B) or (C), and the defendant fails to appear for said hearing, the plaintiff shall not be entitled to entry of default. If the plaintiff wishes to proceed, the Clerk shall notify the defendant of a new calendar setting by first class mail to the address at which service was obtained. Such notice is sufficient if said notice is sent and the hearing set so as to comply with T.R. 6 and S.C. 2.

E. Setting Aside Default Judgment. A default judgment may be set aside according to the procedure set forth in S.C. 10(C).

(1)Expedited Hearing. An expedited hearing on such a motion to set aside default judgment shall be set on the Judge's calendar.

(2)Stay of Collection Proceedings. In any cause in which a motion to set aside default judgment has been filed, collection proceedings as to the judgment debtor filing the motion will not be stayed unless a motion to stay such proceedings is filed and granted.

F. Default on Proceedings Supplemental. The Court may permit the debtor a ten (10) minute grace period to appear for any proceeding supplemental hearing. After the ten (10) minute grace period has elapsed a judgment creditor shall be entitled to apply for appropriate proceeding supplemental sanctions, or any other appropriate remedy.

RULE 7. ATTORNEY FEES

Evidence Required to Support Award. The amount of attorney fees awarded shall be within the sound discretion of the Court. No attorney fees shall be requested unless provided for by written agreement between the parties, applicable statute or common law. In the event attorney fees are requested pursuant to a written agreement a copy of said agreement shall be filed with the Court.

Absent the filing of an appropriate fee affidavit, attorney fees for an NSF check shall be based upon the actual amount of the check.

RULE 8. JUDGMENTS FOR POSSESSION OF REAL ESTATE

A. Bifurcated Hearing and Expedited Hearing on Possession. Hearings in actions involving the issue of possession of real estate shall be bifurcated. The possession hearing shall be set in an expedited setting on the contested calendar. A final judgment for the possession of the real estate shall be entered at the possession hearing and a judgment for back rent and/or other damages, if any, shall be entered at a damages hearing. At the damages hearing, the parties shall be required to advise the Court of any subsequent change of address during the pendency of the action.

B. Notice to Tenant. Unless the landlord shall file the pleading and bond set forth in I.C. § 32-6-1.5-1, et seq., notice of the possession hearing shall be served on a tenant not less than ten (10) days prior to the possession hearing. Should a landlord request a continuance of the possession hearing, the landlord must serve new notice to the tenant of the possession hearing. A landlord may not utilize the damage hearing to seek ejectment, unless tenant is aware of the issue and possibility of ejectment and has received proper notice.

C. Disposition of Tenant's Remaining Personal Property. If a tenant leaves personal property of value in or about the demised premises under circumstances which reasonably show abandonment of said personal property, the landlord shall follow the provisions of I.C. 32-31-4-3 et. seq. for removal of same.

D. Landlord's Computation of Damages Form. A landlord seeking a default judgment on the issue of damages shall complete and tender a Landlord Computation of Damages Form, (See Small Claims Appendix), which shall be included in the Eviction Packet tendered by the Clerk at the time of filing. The Computation of Damages Form shall also be used as a summary exhibit in contested trials involving damages to the tenancy, post termination of possession.

Prior to its use as a summary exhibit, the Landlord's Computation of Damages Form shall be filled in and returned or mailed to the Clerk's Office on or before seven (7) calendar days before the scheduled trial date. Failure to timely return this claim form to the Clerk's Office may result in the granting of a continuance to the Defendant.

RULE 9. VENUE

Local Small Claims Venue. When Porter County is the proper venue for a small claims action under S.C. 12, said action shall be filed as follows:

- A. Small claims from Washington, Boone, Pleasant, Center, and Morgan Townships shall be filed in Porter Superior Court #4, sitting in Valparaiso, Indiana.
- B. Small claims from Jackson, Liberty, Pine, Portage, Porter, Union and Westchester Townships shall be filed in Porter Superior Court #3, sitting in Portage, Indiana. However, Porter Superior Court #6 shall receive small claims filings if proper venue would lie in Porter Superior Court #3 and the last digit of the assigned cause number is 1,3,5,7,or 9. Where proper venue for small claims cases would lie in either Porter Superior Court #3 or Porter Superior Court #6, uncontested collection cases filed in volume by an individual plaintiff or an attorney representing several plaintiffs may be filed in a group in the court that would be next available by cause number. The Clerk shall at all times keep the next available cause number confidential.
- C. Upon the implementation of I.C. 33-4-3-7 (effective 07/05), and in the event the filing of cases pursuant to this Rule shall result in a disparity of small claims filings reflected by the Quarterly Case Status Report (QCSR), the judges of the Superior Court County Division may jointly direct the Clerk of the Court to assign case filings in the County Division, so as to eliminate the disparity. Small Claims cases involving jurisdictional amounts between \$3000 and \$6000 may be transferred to a different venue within Porter County upon agreement of the courts involved.

RULE 10. PROCEEDINGS SUPPLEMENTAL

A. General Procedure. Proceedings supplemental to execution shall be governed by T.R. 69(E) and applicable statutes, and subject to the approval of the Court which entered judgment.

B. Thirty Day Rule. A motion for proceedings supplemental may not be filed until thirty (30) calendar days have elapsed since the date of judgment except by order of the Court for good cause shown.

C. Hearing. Unless a party specifically requests otherwise and sets the hearing accordingly, all hearings on proceedings supplemental will be set on the uncontested calendar.

D. Conduct of Hearings. Unless the judgment creditor is represented by an attorney at the proceeding supplemental hearing, said hearing may be conducted by an officer of the Court.

E. Dismissal by Court. The Court may dismiss a proceeding supplemental when there has been no action taken on the day the proceeding supplemental is set for hearing, or for sixty (60) days thereafter.

RULE 11. COURT ORDERS TO APPEAR (COTA)

A. General Rule. A judgment creditor may request that the Court issue an order to appear (COTA) to a judgment debtor when an active proceeding supplemental is pending against the judgment debtor. The first hearing date set for a COTA shall be set within sixty (60) days of the date on which the COTA is issued.

B. Failure to Appear on a COTA. Upon a judgment debtor's failure to appear on the date and time set by the COTA, the Court may order any appropriate remedy including the issuance of a contempt citation to the judgment debtor.

RULE 12. CONTEMPT/RULE TO SHOW CAUSE/BODY ATTACHMENT

A. Contempt. Upon failure of a judgment debtor or garnishee defendant to appear as ordered for a scheduled hearing, the Court may issue a contempt citation to said person.

B. Body Attachment. Body attachment shall be requested and issued only when:

- (1) any party contemptuously fails to comply with a court order, or;
- (2) the judgment debtor or garnishee defendant previously ordered to appear for a scheduled hearing was served with a contempt citation and failed to appear for the contempt hearing, and;
- (3) the judgment creditor properly completes and files a warrant information card which indicates a judgment debtor's social security number or date of birth.
- (4) judgment creditor has filed an accounting of all payments on judgments received exclusive of payments made through the Clerk, together with a balance due on the account.

C. Procedure for Contacting Judgment Creditor When Attached Person is in Custody. Whenever a judgment defendant has been arrested on a Writ of Body Attachment, a hearing shall be conducted at the earliest convenience of the court. When creditor/plaintiff is unrepresented, the Court shall conduct hearing without notice to all parties. If creditor is represented, counsel for creditor shall be given the opportunity to appear and conduct proceedings supplemental to judgment. Should counsel waive appearance or fail to appear, the

Court shall set bond, if appropriate, and issue an order for debtor to appear at future court hearings.

D. Recall of Body Attachments.

If, during the pendency of a body attachment, the judgment creditor desires to recall the body attachment, the judgment creditor shall:

- (1) appear personally or by attorney and move on the record for recall of the body attachment; and
- (2) state on the record the reason for the recall.

RULE 13. GARNISHMENT

A. General Procedure. All garnishment proceedings shall be subject to the approval of the Court.

B. Requirements for Garnishment Order to Issue. A garnishment order shall not issue with respect to a judgment debtor's wages or other property without:

- (1) an active proceeding supplemental as to the judgment debtor;
- (2) service on the garnishee-defendant of the proceeding supplemental by:
 - (a) first-class mail, certified mail, or refusal thereof,
 - (b) Sheriff's service, or;
 - (c) private process server; and
- (3) return of answered interrogatories, other verification of employment by the garnishee-defendant, or failure to answer interrogatories after notice.

C. Voluntary Garnishments. In instances where a judgment debtor has entered a voluntary agreement for periodic payments to satisfy the judgment and has further consented to garnishment upon default, notwithstanding the terms of the agreement, no garnishment order shall issue unless an active proceeding supplemental is pending against the judgment debtor and the garnishee-defendant.

D. Release. Upon receipt by the judgment creditor, or by the Clerk on the judgment creditor's behalf, of monies sufficient to fully satisfy the judgment, and any accrued interest and costs, the judgment creditor shall immediately obtain a Court order releasing the applicable garnishment order and shall forward a copy to the garnishee-defendant.

RULE 14. BANKRUPTCY OF JUDGMENT DEBTOR

All actions, including pending collection proceedings, shall be stayed as to any judgment debtor who files with the Court in each relevant action one (1) copy of the Bankruptcy Court's notice of relief (or Bankruptcy Cover sheet showing date of filing, cause number, applicable bankruptcy chapter) or who files with the Court in each relevant action a Motion to Stay reciting the filing of bankruptcy by the judgment debtor and resultant stay of all proceedings by the Bankruptcy Court, including the cause number, date of filing, bankruptcy chapter, and attaching a copy of the applicable address matrix or schedule showing the listing of the creditor, and the name of the Bankruptcy Court. Debtor's counsel shall file a Proposed Order of Stay with the Court which shall include a provision to recall any and all outstanding bench warrants.

RULE 15. RELEASE OF JUDGMENT

Upon Defendant's payment of the judgment together with interest and costs in full the plaintiff shall, upon receipt of said funds, promptly release the judgment. Should the plaintiff fail to release the judgment the Court may order the judgment released.

SMALL CLAIMS RULES APPENDIX 1

STATE OF INDIANA)
)
COUNTY OF PORTER) SS: IN THE PORTER SUPERIOR COURT
) _____, INDIANA

_____,)
PLAINTIFF)
)
vs.)
)
_____,)
DEFENDANT.)

COMPUTATION OF DAMAGES/UNPAID RENT BY LANDLORD

The Plaintiff(s)/Landlord, under the penalties for perjury states that the following computations represent the damages incurred as a result of a breach of the lease agreement and/or tenancy by the Defendant/Tenant:
[Ordinary wear and tear is not a compensable damage and will be subtracted by the Court in many instances. Also, labor costs for cleanup by the Landlord are normally disfavored]

I. UNPAID RENT: _____ MONTHS @ \$ _____ PER MONTH=\$ _____
LESS SECURITY DEPOSIT (if applicable) -\$ _____
Sub-Total Due \$ _____

II. DAMAGES TO PREMISES

1. Paint, cleaning products	\$ _____
2. Physical damage to walls, etc.	\$ _____
3. Removal of personal property	\$ _____
4. OTHER	\$ _____
5. OTHER	\$ _____
Total Physical Damages	\$ _____

GRAND TOTAL OF DAMAGES DUE \$ _____

This form can be utilized when requesting a default judgment for damages, post-eviction, or as a summary exhibit at a contested trial or damages hearing. Plaintiff must return this form personally or by first class mail to the Clerk's Office on or before seven (7) calendar days before the scheduled trial. Failure to timely return this claim form to the Clerk's Office may result in the granting of a continuance to the Defendant.

PLEASE SIGN: _____

II. FAMILY LAW

RULE 16. ALTERNATIVE DISPUTE RESOLUTION (ADR) AND CASE MANAGEMENT

A. ADR. In all contested family law matters, including dissolutions, separations, custody disputes, post-decree and support proceedings, the parties may be required to comply with the requirements of ADR.

B. Case Management

(1) The Domestic Relations Case Management Order (see Appendix A) shall apply to the following contested causes of action:

- (a) Petition for Dissolution of Marriage;
- (b) Petition for Legal Separation.

(2) The Domestic Relations Case Management Order may, at the Court's discretion, apply to the following contested causes of action:

- (a) Petition for Modification of an existing court order;
- (b) Petition for Rule to Show Cause;
- (c) Any other cause of action the Court deems appropriate.

RULE 17. FINANCIAL DECLARATION FORM

A. Requirement. In all family law matters, including dissolutions, separations, post-decree and support proceedings, each party shall prepare and exchange, respectively, within 45 days of the initial filing of the action or within 30 days of the filing of any post-decree matters, a Financial Declaration Form (see Appendix B and C). These time limits may be extended or shortened by court order for good cause shown. In those cases where there is service, but no appearance by counsel, it is the responsibility of the moving party to serve the completed Form on the other party and to notify that party of the duty to prepare and serve one as well.

B. Exceptions. The Form need not be exchanged if:

- (1) the parties agree in writing within 30 days of the initial filing to waive exchange, **and**;
- (2) the parties have executed a written agreement which settles all financial issues, or;

- (3) the proceeding is merely at a provisional or emergency relief stage, or;
- (4) the proceeding is one in which the service is by publication and there is no response, or;
- (5) the proceeding is post-decree and concerns issues without financial implications. Provided, however, when the proceeding is post-decree and concerns an arrearage, the alleged delinquent party shall complete the entire Form, while the support recipient need complete merely that portion thereof which requires specification of the basis of the arrearage calculation (with appropriate supporting documentation).

C. Use at Trial. The Form is intended primarily as discovery although, subject to appropriate objection, it shall be admissible at the request of any party. Therefore, particularly in view of the presumptive nature of the Support Guidelines, direct examination on Form data shall address only unusual factors which require explanation, or corrections, and shall not, particularly with respect to issues of support, be routinely permitted. For evidentiary purposes, the pages of the Form shall be deemed severable.

D. Supporting Documents. For the purposes of providing a full and complete verification of assets, liabilities and values, each party shall attach to the Form all information reasonably required and reasonably available. This shall include recent bills, wage and tax records, and bank, pension and year-end mortgage statements. "Reasonably available" means that material which may be obtained by letter accompanied with an authorization, but does not mean material that must be subpoenaed or is in possession of the other party. Appraisals of real estate and pensions, or of personal property such as jewelry, antiques or special collections (stamps, coins or guns, for example), are not required. However, once an appraisal is obtained, it must be exchanged. Moreover, the Court may direct that an appraisal be obtained, and may designate the appraiser.

E. Privacy - Sealing of Forms. Whenever the interest of privacy so requires, the Court may, upon motion, direct the admitted Forms sealed until further order. However, such requests shall not be made as a matter of course. When ordered sealed, the court reporter shall take custody of the Forms and place them in a flat manner in an envelope of sufficient size, seal the envelope and affix a copy of the order. Forms may be withdrawn at the conclusion of the case on such terms as the Court allows.

F. Final Declaration - Mandatory Discovery. The exchange of Forms constitutes mandatory discovery. Thus, Indiana Rules of Trial Procedure, Rule 37 sanctions apply. Additionally, pursuant to Trial Rule 26(E)(2) and (3), the Form shall be supplemented if additional material becomes available. Further, any additional discovery such as a motion to produce, interrogatories, or depositions of the parties shall not commence until the Forms are exchanged.

RULE 18. CHILD SUPPORT GUIDELINES

A. Worksheet Required. In all proceedings involving child support, each party shall file with any settlement, or enter into evidence during any trial, Indiana Child Support Guidelines worksheets - one or more depending on the facts. Further, the worksheet(s) shall, when reasonably possible, be delivered to the other party simultaneously with the Financial Declaration Form, but, in any event, within ten (10) days of receiving the other party's Form. The worksheet(s) shall be promptly supplemented if any changes occur prior to resolution.

B. Support Settlement Agreements. If an agreement concerning support contains deviation ten percent (10%) or more from the Guidelines, the parties shall present to the Court a written explanation, with supporting documents, justifying the deviation.

RULE 19. CHILD CUSTODY

In all proceedings regarding custody of minor children which remain contested after ADR, the Court may appoint a qualified family therapist to make a recommendation as to custody, and the Court may allocate the cost thereof as it deems reasonable.

RULE 19.1 GUARDIANS AD LITEM

A. Definition. An individual appointed by the Court under I.C. 31-1-11.5-28(b); I.C. 31-15-6-1; I.C. 31-17-6-1 or by Order of Court.

B. When appointed. Whenever the Court is required to do so by statute, and whenever the Court finds, in its discretion, that it is appropriate to appoint a guardian ad litem. The guardian ad litem then becomes a party and anything to be served on the opposing party shall also be served on the guardian ad litem.

C. Duties. Guardian Ad Litem shall:

(1) Perform all duties required by law which includes to protect the best interests of the child(ren); and

(2) Submit a written report of his or her finding to the Court prior to the matter being heard by the Court. The attorneys and pro-se litigants shall receive notice of the filing of the report and may inspect same upon notice to the Court.

D. How appointed.

(1) Where the parties or either of them request and/or where the Court had determined a guardian ad litem should be appointed to protect the best interest of the child, the parties shall within the time set by the Court, select a guardian ad litem.

(2) In the event the parties fail to select a guardian ad litem within the time determined by the Court, the Court shall name a three-person panel.

(3) After the Court has named the panel, the party listed on the case caption as Petitioner, shall within three (3) days, strike first. Respondent shall, within three (3) days thereafter, strike from the remaining two (2) persons. The remaining person is the court appointed guardian ad litem, subject to that person's acceptance.

(a) in the event either party should fail to strike within the time frame provided, they have waived their opportunity to strike and the other party may strike in their place.

(b) Should both parties fail to strike, then the first named person on the list is appointed guardian ad litem, subject to acceptance.

E. Fees.

(1) When a guardian ad litem is selected, the Court shall order each party to pay a lump sum, in an amount not less than \$350.00, into the Clerk of the Porter Superior Court to be held for payment of guardian ad litem fees. The guardian ad litem shall periodically file a fee affidavit with the Court and request that the Clerk be ordered to release sums in an appropriate amount to pay fees current to date. To insure payment to the guardian ad litem, the Court may Order additional monies to be paid into the Court as it becomes necessary. The Court may reapportion the total costs at the time of disposition.

F. Term of Service.

(1) The guardian ad litem shall serve in such capacity until such time as discharged by the Court.

(2) The guardian ad litem may, at anytime, request that he or she be relieved of their duties.

(3) The parties may request that a guardian ad litem be removed and it will be within the Court's discretion whether just cause exists for such removal.

G. Form of Order.

(1) Whenever a guardian ad litem is appointed, the Appointment of Guardian Ad Litem Order (See Appendix D) shall be prepared and submitted for approval of the Court.

RULE 20. VISITATION ORDERS

A. Visitation. Visitation shall be governed by the Indiana Parenting Time Guidelines.

RULE 21. PREPARATION OF ORDERS

A. Exchange. It shall be the duty of the parties' attorneys to prepare decrees and other orders as directed by the Court. The attorney so directed shall first submit them to all other attorneys of record, within fourteen (14) days, to enable them to challenge any provision thereof before submission to the Court for entry.

B. Additions. If the preparing attorney believes the receiving attorney is unreasonably withholding approval as to the form of order, or if either attorney believes the other is attempting to make additions not addressed by the Court, either may submit a proposed form of order to the Court, and shall attach thereto a written explanation of the dispute. Either attorney shall have seven (7) days to respond before the Court enters any order. The Court may enter sanctions against a party who has unreasonably withheld approval or attempted to make additions not addressed by the Court.

C. Required Number of Copies. In all cases that been assigned to the Porter County Family Court, it shall be the responsibility of the parties to make sure that Family Court receives a copy of all Orders. Therefore, all orders submitted to the Court shall be accompanied by a sufficient number of copies and the same number of postage paid addressed envelopes, so that a copy may be mailed to each party or counsel of record and a copy to the Family Court. The original and one copy of all orders shall be retained by the Clerk.

RULE 22. SANCTIONS

If a party or counsel fails to timely prepare, exchange or file a Financial Declaration Form or Child Support Worksheet(s), or fails to cooperate in providing information relevant thereto in a timely manner, either is subject to sanctions under Trial Rule 37.

RULE 23. ATTORNEY FEE REQUESTS

A. Affidavits. When attorney fees, except those sought provisionally, are requested from the opposing party, the requesting attorney shall submit an appropriate affidavit, which the Court may admit as an exhibit.

B. Written Requirements. The affidavit shall indicate the:

- (1) requested fee and the basis thereof;
- (2) amount counsel has billed, contracted for or been promised, and;
- (3) amount counsel has received from all sources.

A copy of the written fee contract, if any, shall be attached to the affidavit and be deemed as part thereof.

Opposing counsel may cross-examine the requesting attorney as to any of the submitted material.

RULE 24. AGREED MATTERS -SUBMISSION

No agreed matter shall be submitted unless accompanied by a signed agreement, and other appropriate documents, such as a decree, a wage-withholding order, or a Qualified Domestic Relations Order. However, if the parties reach an agreement "on the courthouse steps", then the Court will accept evidence of that settlement on the record.

RULE 25. RESTRAINING ORDERS

A. Restraining Orders. Temporary Restraining Orders Without Notice will only be issued upon a showing of strict compliance with T.R. 65(B)(1) & (2). In Re: Anonymous, 729 N.E. 2nd 566 (Ind. 2000).

RULE 26. CHILD COUNSELING SESSION

A. General Requirements. In all proceedings involving minor children, attendance at a four (4) hour educational seminar, hereinafter referred to as *TransParenting*, is required of all parties in all dissolution of marriage and legal separation proceedings and shall be successfully completed within sixty (60) days of service of the original petition. Administration of the program shall be by agencies appointed by the Court using qualified counselors, trainers and educators. Participants shall pay a fee to cover the total cost of the seminar. A copy of the *TransParenting* certificate shall be filed with the Court prior to the final hearing or shall be attached to the final decree as an exhibit thereto. For good cause shown, the Court may waive the requirement of completion of this program in individual cases.

B. Attendance. Attendance at the seminar shall be required of all parties to a case where the interests of children under the age of 18 years are involved. The Court's action on a petition shall not be delayed by a non-moving party or responding party's failure to complete or delay in completing the seminar. An equivalent counseling program may be substituted for the seminar if satisfactory written verification is provided to the Court by a third party indicating that the specific issues covered in the *TransParenting* program have been addressed in another forum through professional or pastoral counseling, mediation or other similar educational program.

C. Fees. A fee determined annually and payable per party is required and is used to cover all costs of the program including the presenter's fees, handouts, applications and program administration. The fee may be waived if a party presents a verified affidavit of poverty and it appears upon investigation that the party is indigent.

D. Application Process. Notification to the parties of their responsibility to complete the seminar or provide alternative verification shall be provided at the time of the filing of the pleadings. Applications may be obtained from the court administrator or from the Clerk of the Court. The application and fee must be returned to the agency conducting the seminar.

RULE 27. AGREEMENT WITH COURT DATE PENDING

In all proceedings where a court date is pending and the parties reach an agreement between themselves, the parties shall notify the Court in a timely manner. Failure to do so may result in sanctions being imposed against either or both parties and/or their attorneys.

APPENDIX A

[illegible]

PORTER SUPERIOR COURT
Sitting in Valparaiso, Indiana
CONTINUOUS TERM 200

IN RE THE MARRIAGE/PATERNITY OF:)

_____, Petitioner
v.
_____, Respondent

CAUSE # _____

DOMESTIC RELATIONS CASE MANAGEMENT ORDER

The Court, in the exercise of its discretion under Trial Rule 16 (A), now orders the parties, including pro se litigants, and their respective attorneys to comply with the following orders:

- A. Financial Declaration Forms, complete with supporting exhibits, shall be exchanged between the parties within forty five (45) days from the date the Petition for Dissolution of Marriage or Petition for Legal Separation is filed, and within thirty (30) days from the date that a Petition for Modification or Petition for Rule to Show Cause is filed, provided said petitions address the financial obligations of the parties, i.e. child support, including but not limited to, educational expenses or the payment of marital debt.
- B. Within forty-five (45) days from the date either party filed their petition, the parties shall be required to appear in person, if they are proceeding pro se, or by their respective attorneys, for an Initial Pre-Trial Conference. Said conference is hereby scheduled before this court on the ____ day of _____, 200__, at ____ m. Each party shall be prepared to address the following issues:
- i. Identification of the issues pending before the court;
 - ii. Identification of issues which have been amicably resolved between the parties, together with the terms of said resolution;

- iii. Identification of the remaining contested issues;
- iv. Estimated time required to complete discovery relative to the contested issues;
- v. If not addressed at the Provisional Hearing, the identification or appointment of experts who shall assist the parties or the court in the resolution of the contested issues, including the appointment of a Guardian-ad-Litem, custodial evaluator or a property evaluator;
- vi. The possibility of settlement on all or a portion of the contested issues through mediation, settlement conference or the implementation of another Alternative Dispute Resolution method;
- vii. The estimated time required to present the contested issues before the court, including the possibility of disposing of all or a portion of the contested issues in summary fashion;
- viii. The parties' attendance and completion of the Trans-Parenting Class as required by Local Rule ____;
- ix. **AT THE CONCLUSION OF THE INITIAL PRE-TRIAL CONFERENCE, THE COURT SHALL SCHEDULE THE CASE FOR A FINAL PRE-TRIAL CONFERENCE. NO FINAL HEARINGS SHALL BE SCHEDULED UNTIL THE CONCLUSION OF THE FINAL PRE-TRIAL CONFERENCE.**

- C. Within ninety (90) days from the conclusion of the Initial Pre-Trial Conference, the parties shall be required to appear in person, if they are proceeding pro se, or by their respective attorneys, for a Final Pre-Trial Conference. Said conference is hereby scheduled before this court on the ____ day of _____, 200__, at ____ m. Provided, however, the court shall be permitted schedule the Final Pre-Trial Conference later than ninety (90) days from the date of the Initial Pre-Trial Conference if it determines that additional time is required by the parties to complete the discovery identified at the Initial Pre-Trial Conference or if additional time is required to complete the Guardian-ad-Litem's investigation and report, the custodial evaluations, the real and personal property evaluations and/or mediation, or if the parties intend to attempt counseling and/or reconciliation.
- D. That counsel, or party/parties, if pro-se, shall confer in person at a Preliminary Conference at least ten (10) days before the scheduled Final Pre-Trial Conference. The moving party shall undertake the responsibility of arranging the aforementioned conference at a time

and location which is mutually agreeable between the parties. In preparation for the Final Pre-Trial Conference, the parties shall address the following issues at their Preliminary Conference:

- i. The possibility of reaching an agreement regarding the contested issues;
- ii. The possibility of disposing of the cause in summary fashion as to some or all of the issues;
- iii. The identification and exchange of exhibits which the parties intend to introduce into evidence at the Final Hearing;
- iv. The possibility of stipulating to the authenticity or admissibility of each parties' exhibits to avoid unnecessary delays at the Final Hearing;
- v. The exchange of each parties' witness lists, including expert witnesses, and the nature of the testimony that each witness shall be expected to testify to at the Final Hearing;
- vi. The preparation of a master list of the parties' real and personal property, which list shall be submitted by the parties to the court as a joint exhibit at the Final Pre-Trial Conference. Said exhibit shall be presented to the court in the following form and shall include all assets of the parties subject to division by the court:

EXAMPLE ASSET FORM

ASSET NUMBER	ASSET NAME	WIFE'S VALUE	HUSBAND'S VALUE	AGREED VALUE	COURT'S
		VALUE			
1	Marital Residence 11 River Drive Valparaiso, IN Titled: Jointly	\$150,000.00	\$175,000.00		
2	2002 Jeep Cherokee Titled: Jointly			\$ 12,500.00	
3	Joint Checking Acct. Bank One Account # 1234	\$ 1,500.00	\$ 2,500.00		
4	Antique Rocker	\$ 500.00	\$ 750.00		

- vii. The preparation of a master debt list, which shall be submitted by the parties to the court as a joint exhibit at the Final Pre-Trial Conference. Said exhibit shall be presented to the court in the following form:

EXAMPLE DEBT FORM

DEBT NUMBER	ACCOUNT NAME AND NUMBER	DATE OF SEPARATION	BALANCE	CURRENT BALANCE
1	SEARS MASTERCARD ACCOUNT # 1234 5678-9876 TITLED: JOINTLY		\$5,250.00	\$5,210.00
2	MBNA VISA ACCOUNT # 9876 5432-0987 TITLED: HUSBAND		\$ 500.00	475.00

- E. The parties shall be prepared to address the following issues at their Final Pre-Trial Conference:
- i. The status of discovery;
 - ii. The results of mediation or settlement conference;
 - iii. Identification of the issues resolved by agreement, together with the terms of said agreement;
 - iv. Identification of the remaining contested issues;
 - v. The parties' final witness and exhibit lists, together with stipulations regarding the admissibility of any exhibits;
 - vi. A brief summary regarding the parties' contentions relative to the contested issues;
 - vii. The presentation of the parties' joint asset list;
 - viii. The presentation of the parties' joint debt list; and
 - ix. Anticipated time required to litigate the contested issues.
- F. At the conclusion of the Final Pre-Trial Conference, the court shall schedule the cause of action for final hearing, and shall enter additional orders, if required, regarding Pre-Trial motions presented by the parties.
- G. Pursuant to Trial Rule 16(K) and Trial Rule 41(E), failure to attend the Initial Pre-Trial Conference or the Final Pre-Trial Conference, may result in the entry of an order of dismissal or default against the party or parties who fail to appear. In addition, the court may impose sanctions against any party or attorney of record who fails to attend the preliminary conference; is unprepared to participate in either the Initial Pre-Trial Conference or Final Pre-Trial Conference, or who refuses, in bad faith, to enter into stipulations regarding the facts, the law, or the exhibits. Said sanctions may include costs associated with rescheduling any of the three conferences identified herein, and attorney fees.

No continuances of the Provisional Hearing, Initial Pre-Trial Conference, Final Pre-Trial Conference, or Final Hearing may be obtained without strict compliance with the provisions outlined in

Trial Rule 53.5 and Local Rule _____. If a continuance is requested and granted, said continuance shall be charged against the party requesting same. The existence of charged continuances, whether or not in good faith, may be considered by the court in its ruling regarding the payment of attorney fees or other costs of the action.

ALL OF WHICH IS FOUND AND RECOMMENDED THIS ____ DAY OF _____,
20__.

MAGISTRATE, PORTER SUPERIOR COURT

ALL OF WHICH IS ORDERED, ADJUDGED AND DECREED THIS ____ DAY OF _____, 20__.

JUDGE, PORTER SUPERIOR COURT

FINANCIAL DECLARATION FORM
STATE OF INDIANA: CIRCUIT AND SUPERIOR COURTS
OF PORTER COUNTY

Cause No:

Respondent

FINANCIAL DECLARATION OF

Age Dob:

II. HEALTH INSURANCE INFORMATION

[illegible][illegible][illegible][illegible][illegible][illegible]

III. INCOME INFORMATION

Current employer

Address

Telephone No: □

Length of Employment

A 3x6 grid of squares. The first two rows are complete, each containing 6 squares. The third row contains 5 squares, with the last square missing.

Job Description

Gross Income

[illegible]

A 4x6 grid of squares. The squares are arranged in four rows and six columns. The squares are present in the following positions (row, column): (1,1), (1,2), (1,3), (1,4), (1,6), (2,1), (2,2), (2,3), (2,4), (3,1), (3,2), (3,3), (3,4), (3,6), (4,1), (4,2), (4,3), (4,4). The squares at (1,5), (2,5), (3,5), and (4,5) are missing.

Per week bi-weekly per month yearly

Net income

□ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □

A 4x6 grid of squares. The squares are arranged in four rows and six columns. The squares are present in the following positions (row, column): (1,1), (1,2), (1,3), (1,4), (1,5), (1,6), (2,1), (2,2), (2,3), (2,4), (3,1), (3,2), (3,3), (3,4), (3,5), (3,6), (4,1), (4,2), (4,3), (4,4).

Per week bi-weekly per month yearly

Employer

Dates of employment

Compensation (per wk/mo/yr)[illegible]

Pensions & Retirement	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Social Security	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Disability and unemployment insurance	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Public Assistance (welfare, AFDC payments, etc.)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Food stamps	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Child support received for any child(ren) not born of the parties to this marriage	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Dividends and Interest	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Rents received	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
All other sources (specify)	_____
TOTAL GROSS WEEKLY INCOME	\$ _____

2. ITEMIZED WEEKLY DEDUCTIONS
from gross income:

State and Federal Income taxes:	_____
Social Security	_____
Medical Insurance Coverage:	
Health <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Dental <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Eye Care <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Psychiatric <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	_____
Union or other dues:	_____
Retirement:	
Pension fund: Mandatory () Optional ()	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Profit Sharing: Mandatory () Optional ()	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
401(k): Mandatory () Optional ()	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
SEP: Mandatory () Optional ()	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
ESOP: Mandatory () Optional ()	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
IRA: Mandatory () Optional ()	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Child support withheld from pay (not including this case)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Garnishments (itemize on separate sheet)

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Credit Union debts

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
☐

Direct Withdrawals Out of Paychecks:

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Car payments

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Life insurance

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Disability insurance

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Thrift plans

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Credit union savings

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Bonds

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Donations

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Other (specify)

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Other (Specify):

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

TOTAL WEEKLY DEDUCTIONS

3. WEEKLY DISPOSABLE INCOME

(A minus B: Subtract Total Weekly Deductions
from Total Weekly Gross Income)

IN ALL CASES INVOLVING CHILD SUPPORT: Prepare and attach an Indiana Child Support Guideline Worksheet (with documentation verifying your income); or, supplement with such a Worksheet within ten (10) days of the exchange of this Form.

IV. MONTHLY LIVING EXPENSES:

House

1. Rent(Mortgage)

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

2. 2nd Mortgage

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
☐

3. Line of credit

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☐

4. Gas/Electric

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
☐

5. Telephone

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
☐

6. Water

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
☐

7. Sewer

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☐

8. Sanitation (garbage)

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☐

9. Cable

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

10. Satellite

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11. Internet

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

-

Groceries

- [illegible]

Clothing

- [illegible]

Health Care

- [illegible]

Car & Travel

- [illegible]

Beauty Care

- [illegible]

1. Lunches
2. Book

- ## Infant Care

- ## Miscellaneous

- ### Sub-Total of Expenses

Average Weekly Expenses (multiply monthly expenses by 12 and divide by 52)

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
☐ ☐ ☐

You must attach a Child Support Guideline Worksheet to your Financial Declaration Form or one must be

exchanged with the opposing party/counsel within 10 days of receipt of the other parties' Financial Declaration Form.

ASSETS

All property is to be listed regardless of whether it is titled in your name only or jointly or if property you own is being held for you in the name of a third party.

VI. PROPERTY

A. MARITAL RESIDENCE

Description:

[illegible][illegible]

Location:

[illegible][illegible]

Purchase Price: □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ **Down Payment:**

[illegible]**Source of Down Payment:**[illegible]

Current

Indebtedness:

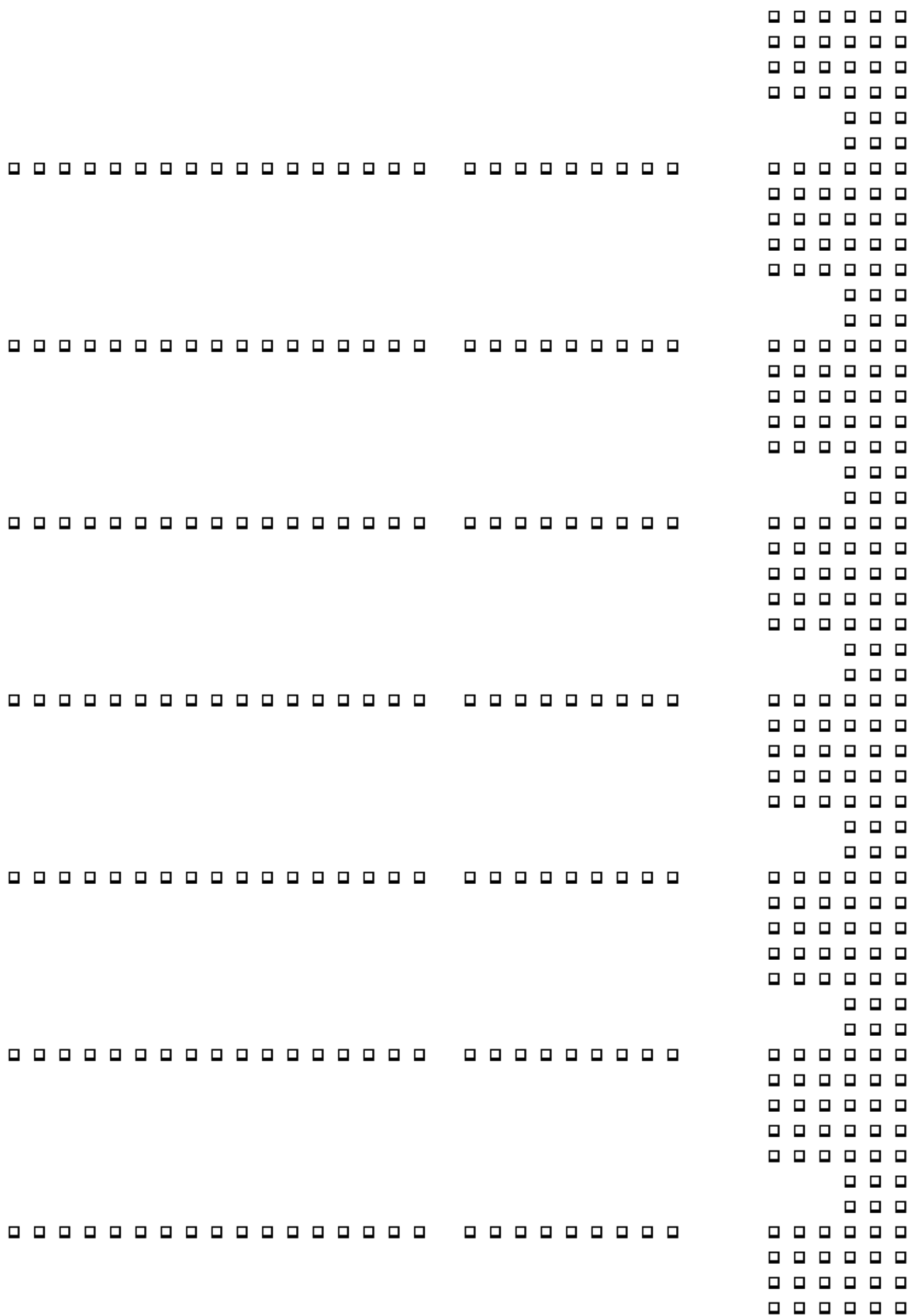
Monthly

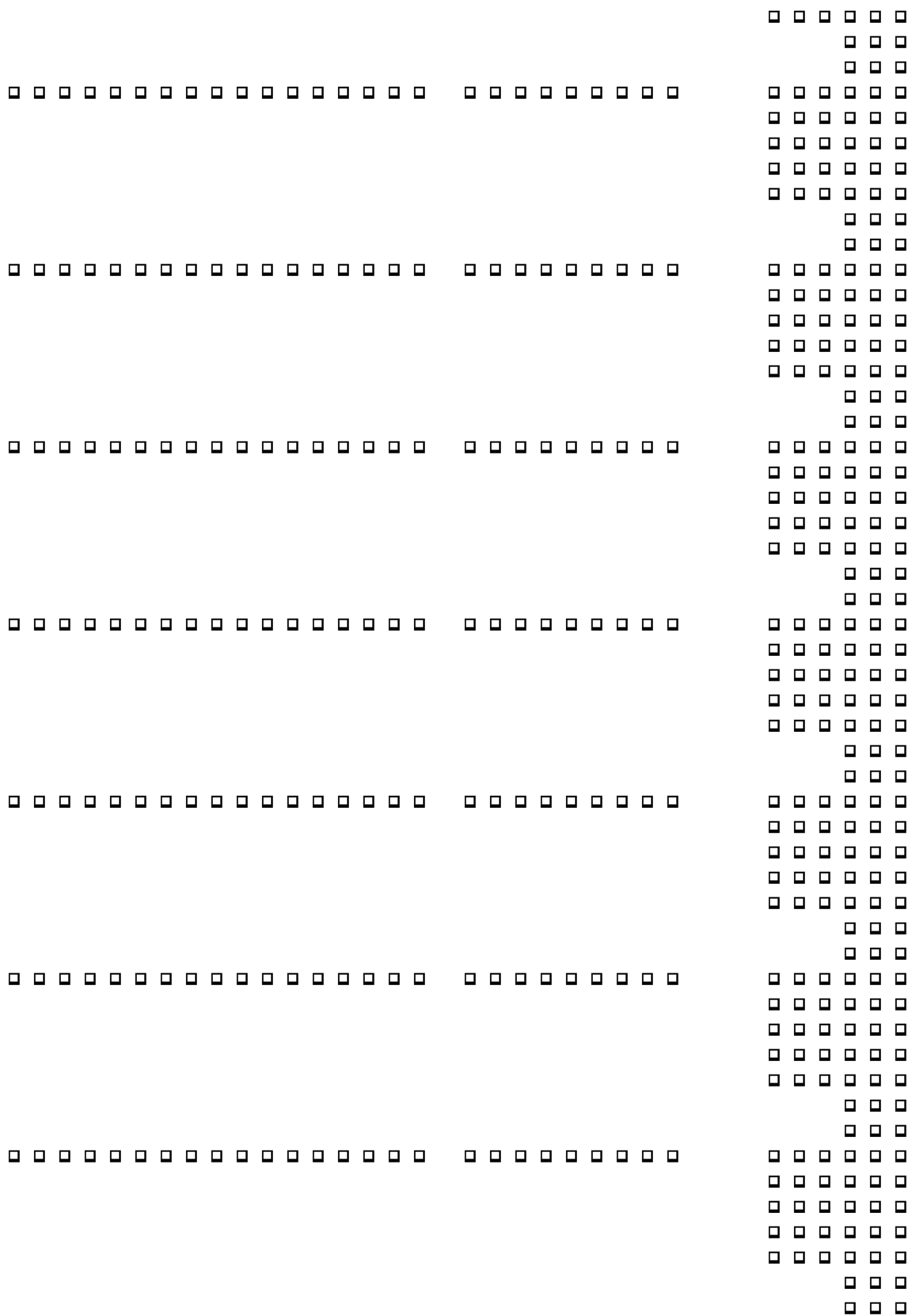
Payment:

Current Fair Market Value:

[illegible]

[illegible][illegible]





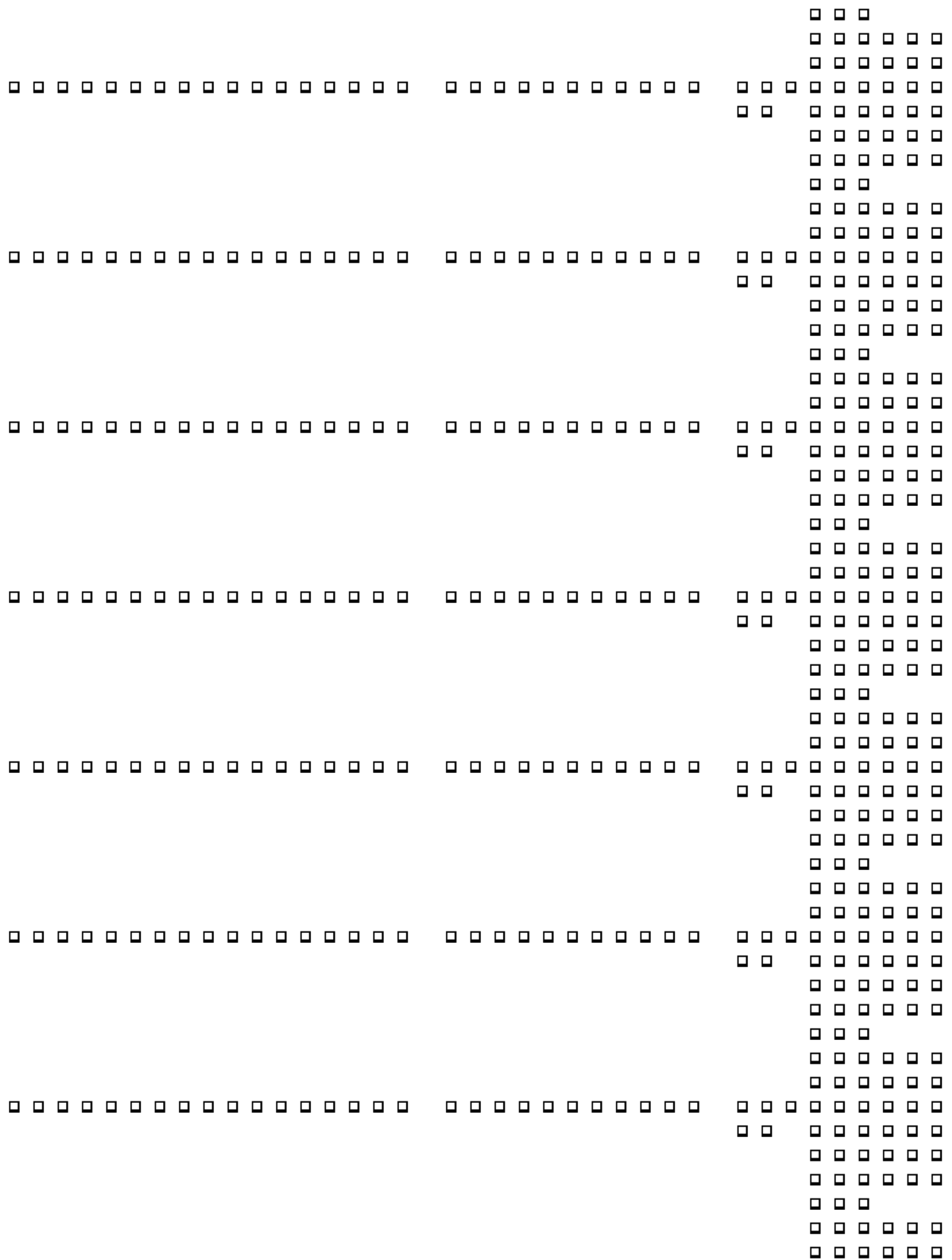
Name										Type of Account (Checking, Savings, CDs, etc.)					Owner			Account No.				Balance on				Date of Filing														
																					</																			

VIII NON-RETIREMENT SECURITIES (stocks, bonds, mutual funds, etc.)

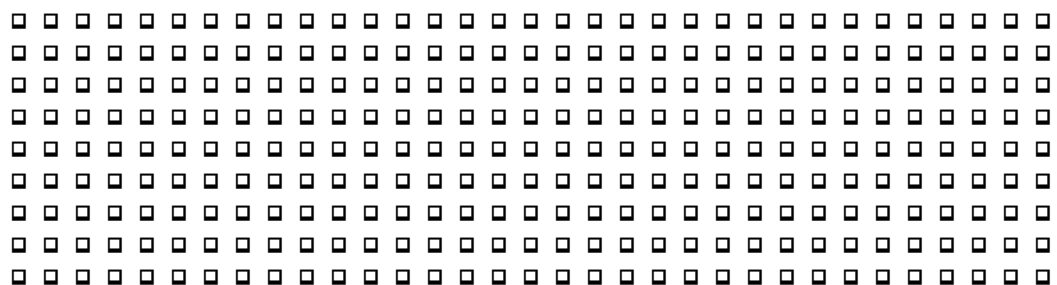
<u>Name</u>	<u>Type of account</u> (Money mkt, Stocks, Bonds, Mutual Funds etc.)	<u>Owner</u>	<u>Account</u> <u>No.</u>	<u>on date</u> <u>Of filing</u>	<u>Value</u>
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IX. LIFE INSURANCE POLICIES (whole life, variable life, annuities, term)

<u>Company</u>	<u>Owner</u>	<u>Policy #</u>	<u>Beneficiary</u>	<u>Value</u>	<u>Face</u> <u>Amount</u>	<u>Loan</u> <u>Value</u>	<u>Cash</u>
----------------	--------------	-----------------	--------------------	--------------	------------------------------	-----------------------------	-------------



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XV. MANDATORY EXHIBITS

The following exhibits must be attached to your Financial Declaration Form:

1. The last three years of Individual State and Federal income tax returns together with all W-2 forms, 1099 forms and K-1 forms.
2. The immediate preceding six paycheck stubs showing year-to-date earnings.
3. Documents showing the amount of income received from any other source in the past three years including irregular income in an amount greater than \$500 per year plus any expenses relating thereto.
4. Child support worksheet, if applicable.
5. Arrearage calculation, if applicable under V of this Financial Declaration Form.
6. With regard to all real estate listed under VI (A) and (B):
 - a. The title insurance policy, if available,
 - b. The deed,
 - c. An amortization schedule from the lending institution, if available,
 - d. Documents showing the mortgage balance as of the date of the filing of the Petition for Dissolution of Marriage,
7. As to all bank accounts identified in VII of this Financial Declaration Form:
 - a. Copy of the bank statement closest to the date of the filing of the petition for Dissolution of Marriage, and
 - b. Copies of the bank statements for the five months immediately preceding the filing of the Petition for Dissolution of Marriage.
8. As to all Non-retirement Securities identified in VIII of this Financial Declaration Form:
 - a. Copy of the statement closest to the date of the filing of the petition for Dissolution of Marriage, and
 - b. Copies of the statements for the five months immediately preceding the filing of the Petition for Dissolution of Marriage.
9. As to all Life Insurance policies identified in IX of this Financial Declaration Form attach statements as of cash value as of the date of the filing of the Petition for Dissolution of Marriage.
10. As to all Retirement Accounts identified in X of this Financial Declaration Form attach statements showing the value of the account as of the date of the filing of the Petition for Dissolution of Marriage and for the preceding five months, if such statements are available, except for pension accounts and other defined benefit plans, in which event attach a statement from the employer describing the benefits.
11. As to all marital bills, debts and obligations identified in XII of this Financial Declaration Form, attach

XV. VERIFICATION

Further, this Financial Declaration Form is considered as a Request for Admissions to the recipient under Trial Rule 35 and should the recipient fail to fully prepare and exchange this statement then the Court may prohibit the party who did not properly complete the Financial Declaration Form from introducing any evidence at any hearing to contradict the evidence of the other party on the issues of income, expenses, assets and liabilities.

Signature

XVI. ATTORNEY'S CERTIFICATION

[illegible]

**15 N. Washington Street
Valparaiso, IN 46383
219/464-3246**

APPENDIX C

FINANCIAL DECLARATION FORM STATE OF INDIANA: CIRCUIT AND SUPERIOR COURTS OF PORTER COUNTY (PATERNITY SHORT FORM)

IN RE: THE PATERNITY OF:

CAUSE NO: _____

Petitioner

and

Respondent

In accordance with Local Rule 18 of the Porter Superior Court and Indiana Trial Rules 26, 33, 34, 35 and 37, the undersigned, Petitioner or Respondent, hereby submits the following VERIFIED FINANCIAL DISCLOSURE STATEMENT:

FINANCIAL DECLARATION OF _____

I. PRELIMINARY INFORMATION

Mother _____

Address: _____

Soc. Sec. No. _____

Occupation: _____

Employer: _____

Birth Date: _____

Father _____

Address: _____

Soc. Sec. No. _____

Occupation: _____

Employer: _____

Birth Date: _____

Children of this action:

Name _____ Age _____ DOB: _____ SSN: _____

Name _____ Age _____ DOB: _____ SSN: _____

Name _____ Age _____ DOB: _____ SSN: _____

Name _____ Age _____ DOB: _____ SSN: _____

For each child:

Attached copy of birth certificate:	Yes	No
Attached copy of signed paternity affidavit	Yes	No

Date of filing Petition: _____

Your other children not subject to this proceeding:

Name _____	Date of Birth _____	SSN: _____
Lives with you: Yes No	Receives Support: Yes No	Amount of Support _____
	Pays Support: Yes No	Amount of Support _____
Name _____	Date of Birth _____	SSN: _____
Lives with you: Yes No	Receives Support: Yes No	Amount of Support _____
	Pays Support: Yes No	Amount of Support _____
Name _____	Date of Birth _____	SSN: _____
Lives with you: Yes No	Receives Support: Yes No	Amount of Support _____
	Pays Support: Yes No	Amount of Support _____
Name _____	Date of Birth _____	SSN: _____
Lives with you: Yes No	Receives Support: Yes No	Amount of Support _____
	Pays Support: Yes No	Amount of Support _____

II. INCOME INFORMATION

A. EMPLOYMENT HISTORY

Current employer: _____

Address: _____

Telephone No: _____ Length of employment: _____

Job description: _____

Gross Income _____	_____	_____	_____
Per week	Bi-weekly	Per month	Yearly

B. EMPLOYMENT HISTORY FOR LAST 5 YEARS

(Attach additional sheet if necessary)

Employer	Dates of employment	Compensation (per wk/mo/yr)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. INCOME SUMMARY

- 1. GROSS WEEKLY INCOME FROM:** Salary
and wages, including commissions, bonuses,
allowances and over-time

\$ _____
—

Note: If paid monthly, determine weekly income by
dividing monthly income by 4.3

Pensions & Retirement

Social Security

Disability and unemployment insurance

Public Assistance (welfare, AFDC payments etc.)

Food stamps

Child support received for any child(ren) not subject
to this action

Dividends and Interest

Rents received

Income from present spouse/relationship

All other sources (specify)

TOTAL GROSS WEEKLY INCOME

\$ _____

ATTACH COPIES OF:

Last two Federal and State Income Tax Returns
Five of your most recent payroll stubs

III. HEALTH INSURANCE INFORMATION

Name and address of health care insurance company: _____

Name all persons covered under Plan(s): _____

Weekly cost of total health
insurance premium: _____

Weekly cost of health insurance premium
for children only: _____

IV. MONTHLY BUDGET OF EXPENSES

A. HOUSING

	<u>Yourself</u>	<u>Children</u>
1. Rent	_____	_____
2. Mortgage-principal & interest	_____	_____
3. Second Mortgage	_____	_____
4. Lot rent	_____	_____
5. Home insurance	_____	_____
6. Other (itemize) _____	_____	_____
Sub-total	_____	_____

B. UTILITIES

1. Electricity	_____	_____
2. Gas/heating Oil	_____	_____
3. Telephone	_____	_____
4. Water	_____	_____
5. Other (itemize) _____	_____	_____
Sub-total	_____	_____

C. HOUSEHOLD MAINTENANCE

1. Repairs (normal/on-going)	_____	_____
2. Cable TV	_____	_____
3. Child Support withheld from pay	_____	_____
4. Garnishments	_____	_____
5. Credit cards	_____	_____
6. Legal fines/costs	_____	_____
7. Other (itemize) _____	_____	_____
Sub-total	_____	_____

D. OTHER EXPENSES

1. Food	_____	_____
2. Clothing	_____	_____
3. Transportation	_____	_____

- | | | |
|---------------------------|-------|-------|
| 4. Health/medical/dental | _____ | _____ |
| 5. Childcare/daycare | _____ | _____ |
| 6. Personal/entertainment | _____ | _____ |

E. ALL OTHER EXPENSES

_____	_____
_____	_____
_____	_____

V. PROVISIONAL ARREARAGE COMPUTATIONS. If you allege the existence of a child support, birthing expenses, past medical bills, daycare expenses, maintenance, or other arrearage, attach all records or other exhibits regarding the payment history and compute the child support arrearages.

You must attach a Child Support guideline Worksheet to your Financial Declaration Form or one must be exchanged with the opposing party/counsel within 10 days of receipt of the other parties' Financial Declaration Form.

VI. VERIFICATION

I declare, under the penalties of perjury, that the foregoing, including any valuations and attachments, is true and correct and that I have made a complete and absolute disclosure of all my assets and liabilities. Furthermore, I understand that if, in the future, it is proved to this Court that I have intentionally failed to disclose any asset or liability, I may lose the asset and be required to pay the liability. Finally, I acknowledge that sanctions may be imposed against me, including reasonable attorney's fees and expenses incurred in the investigation, preparation and prosecution of any claim or action that proves my failure to disclose assets or liabilities.

Date: _____

PARTY'S SIGNATURE

VII. ATTORNEY CERTIFICATION

I have reviewed with my client, the foregoing information, including any valuations and attachments, and have signed this certification with my obligation under Trial Rule Eleven (11) of the Indiana Rules of Procedure.

Date: _____

ATTORNEY'S SIGNATURE

APPENDIX D

STATE OF INDIANA) PORTER SUPERIOR COURT
) SS: *Sitting in Valparaiso, Indiana*
COUNTY OF PORTER) CONTINUOUS TERM 20____

IN RE THE MARRIAGE/PATERNITY OF: _____)
)
 _____, Petitioner) CAUSE # _____
 v)
 _____, Respondent)

APPOINTMENT OF GUARDIAN AD LITEM

The Court now appoints _____ as Guardian ad Litem for the minor child(ren) of the parties, and Finds, Recommends, and Orders as follows:

1. That the GAL is appointed, pursuant to I.C. 31-15-6-1, et seq., and/or other appropriate section(s) of the Indiana Code and/or Local Rules, for the following minor children of the parties:

name	date of birth
------	---------------

name	date of birth
------	---------------

name	date of birth
------	---------------

2. That this appointment of the GAL shall become effective upon payment to the GAL of the required monetary retainer and the GAL's acceptance of the same. The issue of the retainer payment to the GAL shall be set for a review hearing within ____ days. Attorney for _____ shall coordinate such hearing date and assure that the same occurs if the GAL has not been paid in a timely manner.

Said monetary retainer shall be in the amount of \$_____. The GAL is hereby authorized to bill the parties for services rendered at the GAL's usual rate, with the understanding that said usual rate may be reduced to the county's service rate if any remainder of the GAL's bill is later submitted to Porter County for payment.

The Petitioner shall pay \$_____ toward such retainer.

The Respondent shall pay \$_____ toward such retainer.

The retainer payments shall be made within _____ days of this Order.

Further, as to future billings by the GAL, the parties will divide obligations for the same with Petitioner paying _____% and Respondent paying _____% of such obligations. Payment of such obligations shall be timely made. All retainer and obligations and/or payments to the GAL are subject to reallocation and/or further order of the Court.

3. That the GAL is appointed to provide the following services in this cause, with the understanding that the Court, GAL, or the parties may reasonably expand the scope of such services upon further motion, order, and/or inquiry:

{check all that apply)

_____ Parenting Time/Visitation Issues
_____ Child's health issues
_____ Custodial Recommendation
_____ Elicit child's opinion relevant to pending litigation
_____ Review of home environment(s)
_____ Other: _____

4. That the parties are hereby directed to provide to the GAL, within ten (10) days of the payment of the retainer, a written summary of their position on the issues pending before this court, and their requests of the GAL.

The GAL shall conduct a timely investigation of the issues the GAL deems relevant to the best interests of the child(ren).

5. That the Parties shall advise the GAL of their current residence and telephone number, as well as the residence and school (if any) of the child(ren).
6. That upon the presentation of this Order to any agency, hospital, organization, school, person, or office, including the Department of Public Welfare and mental health agencies, physicians, psychiatrists, or police departments, the aforementioned shall permit the Guardian Ad Litem to inspect and/or copy any records, reports, x-rays, photographs or other matters relevant to this case and the child that is the subject of this dissolution, custody and/or visitation proceeding. Further, the aforementioned Guardian Ad Litem may obtain any reports or examine said reports without the consent of the child(ren), his/her parents, or any other person responsible for the child's (children's) welfare;
The custodial parent(s) shall assure that the GAL is granted access to all such persons and entities and, as needed, shall sign any release necessary to facilitate the same.

7. That the Parties do hereby acknowledge that, although the GAL-child relationship is not technically an attorney-client relationship under the statute, the parties do wish to encourage the child to have open and complete discourse with the GAL. Therefore, the Guardian ad Litem assigned to this case may, at the GAL's discretion, maintain any and all information received from the child as confidential and choose not disclose same except in reports to the Court, as ordered by the Court, and/or to any party in this case;

If the GAL believes that an attorney-client relationship has been created between the child and the GAL at any time, the GAL shall promptly notify the court and the parties and set a status hearing relevant to the same;

8. That the Guardian ad Litem shall appear at all Hearings or proceedings scheduled in this case and assure proper representation for the child(ren) at said Hearings;
9. That the Guardian Ad Litem is now considered a party to this action and shall therefore be notified of any hearings, staffings, investigations, depositions, and/or other proceedings in this cause and shall be notified properly as to any action taken on behalf of the child(ren) by any party.

The scheduling of hearings requiring the GAL to be present shall be coordinated with the GAL.

Although the GAL shall be notified of all hearings, the appearance of the GAL may be waived if the issues relevant to such hearing do not reasonably involve the children.

10. That the GAL shall submit a written report to the Court no later than ten (10) days prior to any final hearing on issues, as set forth above, relevant to the children.

If such report is not submitted timely, the parties do hereby agree that there shall not be an automatic continuance of a hearing granted to either party relevant to such late report, and any party requesting such continuance shall provide notice thereof to the Court and the GAL and allow the GAL two business days to complete and submit such report. Ultimately, the Court shall have discretion to rule on the reasonableness of any continuance request.

ALL OF WHICH IS FOUND AND RECOMMENDED this ____ day of _____,
20____.

Magistrate, Porter Superior Court

The Court having reviewed the findings and recommendations of Its Magistrate now approves and ratifies the same and adopts the same as the Order of this Court on this, the ____ day of _____, 20____. SO ORDERED.

Judge, Porter Superior Court

APPENDIX E

IN THE PORTER CIRCUIT COURT

IN THE PORTER SUPERIOR COURT

APPEARANCE FORM (CIVIL)

Initiating Party

(Caption))
)
) **CAUSE NUMBER:** _____

1. _____ Name of first
initiating party (must include date of birth and social security number in **DR, PO, AD, GU cases**)
(Supply names of additional initiating parties on continuation page.)

2. Attorney information (as applicable for service of process):

Name: _____ Atty. Number: _____
 Address: _____ Phone: _____
 _____ Fax: _____
 _____ Computer Add: _____

(Supply information for additional attorneys on continuation page.)

3. Case Type requested:_____ 4. Will accept Fax service Yes___ No___

- For all occupants of the initiating party's residence as well as any child/ren of either the petitioner or the respondent, supply the names, dates of birth and social security numbers in proceedings involving **dissolution of marriage, child custody, child support, child visitation, juvenile delinquency, CHINS, paternity, termination of parental rights, adoptions, guardianship, mental health issues, and protective orders.**

Name: _____ D.O.B. _____ SS#: _____
 Name: _____ D.O.B. _____ SS#: _____
 Name: _____ D.O.B. _____ SS#: _____
 Name: _____ D.O.B. _____ SS#: _____

(SUPPLY ABOVE INFORMATION FOR ADDITIONAL PERSONS ON A CONTINUATION PAGE)

6. Are there now or have there been within the last twelve months pending related cases? Yes___ No___ If yes, list case and cause number below:

IF THE ANSWER IS YES, FILE AN ADDITIONAL COPY OF THE APPEARANCE FORM

(The Court has determined that the following types of matters constitute cases that are related when a named party and family or household member(s) have matters pending of the following types: **CM, or DF filings involving domestic violence or family violence related charges and/or substance abuse charges, and all cases of the following types: JM, JS, JP, JT, JD, JC, DR, GU, MH, PO and AD**).

If the caption has a name other than that of the petitioner, please describe the relationship.

Caption_____ Cause Number_____
Relationship _____

Caption_____ Cause Number_____
Relationship _____

Caption_____ Cause Number_____
Relationship _____

(Supply information for additional related cases on continuation page.)

7. Additional information required by state or local rule:_____
- _____
- _____

Attorney at Law
Attorney Information

**PURSUANT TO TRIAL RULE 3(E), THIS APPEARANCE FORM SHALL BE UPDATED
PROMPTLY SHOULD THERE BE ANY CHANGE IN OR SUPPLEMENT TO THE
INFORMATION PREVIOUSLY SUPPLIED TO THE COURT**

APPEARANCE FORM (CIVIL) - INTERVENING PARTY
Continuation Page

Cause Number _____

Continuation of Item 1 (Names, addresses and phone numbers of intervening parties):

Name: _____ Phone: _____
Address: _____

Name: _____ Phone: _____
Address: _____

Supply information for additional intervening parties.

Continuation of Item 2 (Attorney information, as applicable for service of process)

Name: _____	Atty. No: _____
Address: _____	Phone: _____
_____	Fax: _____
_____	Computer Add: _____

Authority: Pursuant to Trial Rule 3.1(C), this form shall be filed upon the first appearance in the case. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of change in information previously provided to the court. This format is approved by the Division of State Court Administration. Use additional continuation pages if needed.

Responding Party

2. Attorney information (as applicable for service of process):

Name: _____ Atty. Number: _____
Address: _____ Phone: _____

Fax: _____

Computer Add: _____

(Supply information for additional attorneys on continuation page.)

3. Case Type requested:_____ 4. Will accept Fax service Yes___ No___

5. For all occupants of the responding party's residence as well as any child/ren of either the petitioner or the respondent, supply the names, dates of birth and social security numbers in proceedings involving **dissolution of marriage, child custody, child support, child visitation, juvenile delinquency, CHINS, paternity, termination of parental rights, adoptions, guardianship, mental health issues, and protective orders.**

Name: _____ D.O.B. _____ SS#: _____
 Name: _____ D.O.B. _____ SS#: _____
 Name: _____ D.O.B. _____ SS#: _____
 Name: _____ D.O.B. _____ SS#: _____

(SUPPLY ABOVE INFORMATION FOR ADDITIONAL PERSONS ON A CONTINUATION PAGE)

6. Are there now or have there been within the last twelve months pending related cases? Yes___ No___ If yes, list case and cause number below:

IF THE ANSWER IS YES, FILE AN ADDITIONAL COPY OF THE APPEARANCE FORM

(The Court has determined that the following types of matters constitute cases that are related when a named party and family or household member(s) have matters pending of the following types: **CM, or DF filings involving domestic violence or family violence related charges and/or substance abuse charges, and all cases of the following types: JM, JS, JP, JT, JD, JC, DR, GU, MH, PO and AD**).

If the caption has a name other than that of the respondent, please describe the relationship.

Caption_____ Cause Number_____
Relationship _____

Caption_____ Cause Number_____
Relationship _____

Caption _____ Cause Number _____
Relationship _____

(Supply information for additional related cases on continuation page.)

7. Additional information required by state or local rule:_____
- _____
- _____

Attorney at Law
Attorney Information

**PURSUANT TO TRIAL RULE 3(E), THIS APPEARANCE FORM SHALL BE UPDATED
PROMPTLY SHOULD THERE BE ANY CHANGE IN OR SUPPLEMENT TO THE
INFORMATION PREVIOUSLY SUPPLIED TO THE COURT.**

APPEARANCE FORM (CIVIL) - INTERVENING PARTY
Continuation Page

Cause Number _____

Continuation of Item 1 (Names, addresses and phone numbers of intervening parties):

Name: _____ Phone: _____
Address: _____

Name: _____ Phone: _____
Address: _____

Supply information for additional intervening parties.

Continuation of Item 2 (Attorney information, as applicable for service of process)

Name: _____	Atty. No: _____
Address: _____	Phone: _____
_____	Fax: _____
_____	Computer Add: _____

Authority: Pursuant to Trial Rule 3.1(C), this form shall be filed upon the first appearance in the case. In emergencies, the requested information shall be supplied when it becomes available. Parties shall advise the court of change in information previously provided to the court. This format is approved by the Division of State Court Administration. Use additional continuation pages if needed.

III.

CIVIL RULES

RULE 28. CASE ASSIGNMENT

A. Case Type Categories PL, CT, and MF. The Clerk of the Court shall maintain an opaque container in which three black marbles, three white marbles, and three green marbles shall be placed. When a party wishes to file a new action of the case type category PL, CT, or MF, the deputy clerk receiving the filing after the costs have been paid, shall as the last function to complete the case filing, remove one marble from the opaque container without being able to see into said container. If the marble chosen is black, the case shall be filed and assigned to Superior Court #1 and shall be given a cause number beginning with 64D01. If the marble chosen is white, the case shall be filed and assigned to Superior Court #2 and shall be given a cause number beginning with 64D02. If the marble chosen is green, the case shall be filed and assigned to Circuit Court acting as Superior Court #5 and shall be given a cause number beginning with 64D05.

The marble chosen shall be placed in an opaque container separate from the one from which it was drawn. Subsequent cases to be filed shall be assigned by the same process. Once all nine (9) marbles have been removed from the original opaque container, they shall again be placed in the original container and the same process repeated for assignment of subsequent cases.

Case Type Category CC filings are to be assigned in increments of twenty (20) cases per Superior Division Courtroom beginning with filings for 64D01, thereafter 64D02, thereafter 64D05 and subsequently reverting to the same order.

B. Case Type Categories DR, RS, ES, EU, GU, and TR. The Clerk shall maintain a second opaque container containing three marbles of one color (black) and three of a different color (white). For a total of six marbles. When a party files a new action in case type categories DR, RS, ES, EU, GU and TR in the Superior Division of the Court, the deputy clerk receiving the filing, after costs have been paid, shall as the last function to complete the case filing, remove one marble from the second opaque container without being able to see in the container. If the marble chosen is black, the case shall be assigned to Magistrate - Court I and shall be given a cause number beginning with 64D01. If the marble pulled is white, the case shall be assigned to Magistrate - Court II and shall be given a cause number beginning with 64D02. Marbles pulled for case assignment, once pulled, shall be set aside until the jar is emptied of the six marbles. The six marbles shall then be returned to the jar to start again.

In the event the filing of cases pursuant to paragraphs A and B of this rule shall result in a disparity of civil filings reflected by the Quarterly Case Status Report (QCSR), the judges of the Superior Division may jointly direct the Clerk of the Court to assign case filings so as to eliminate the disparity.

C. Case Type Categories MH, AD, PO, or MI. When a party wishes to file a new action of the case type categories MH, AD, PO, or MI: (non-domestic relations matters), they may file it with any judge of the Court who is available. Petitions for the Issuance of a Hardship License must be filed in the Court that ordered the driver's license suspension entered if that Court is located in Porter County.

Any domestic relations related matter that is required to be filed with the MI case designation is governed by Local Rule 28 B.

D. Venue Cases and Filings By Mail. For cases venued into Porter County and cases filed by mail, the Clerk shall act on behalf of the parties for purposes of case assignment procedure.

E. Judicial Action Before Filing. If a case being filed requires some action by a judge before filing, e.g., waiver of filing fees, the party filing the action must go to the Clerk's Office to determine case assignment before taking the case to the Judge. In such cases, no cause number will be assigned until the parties return to the Clerk after action by the Judge.

F. Selection of Special Judges Under Trial Rule 79(H). In case type categories CT, MH, AD, PO, MI, PL, CC, and MF, and any other civil case type designations as may hereafter be required to be reported on the Quarterly Case Status Report (QCSR), if the cause number of the case in which a special judge needs to be appointed under this section begins with 64D01, the judge of Porter Superior Court #3 shall be appointed special judge. If the cause number of the case begins with 64D02, the judge of Porter Superior Court #4 will be appointed special judge. If the cause number begins with 64D03, the judge of Porter Superior Court #1 will be appointed. If the cause number begins with 64D04, the judge of Porter Superior Court #2 will be appointed. If the cause number begins with 64D05 or 64C01, the judge of Porter Superior Court #6 will be appointed. If the cause number begins with 64D06, the judge of Porter Circuit Court, sitting as Superior Court #5 will be appointed.

In case type categories DR, RS, ES, EU, GU and TR, and any other domestic relations or estate related civil case designations as may hereafter be required to be reported on the Quarterly Case Status Report (QCSR), if the cause number of the case in which a special judge needs to be appointed begins with 64D01, 64D03, 64D05 or 64C01, Porter County Magistrate #2 shall be appointed as special judge. If the cause number of the case begins with 64D02, 64D04 or 64D06, then Porter County Magistrate #1 shall be appointed as special judge.

RULE 29. WITHDRAWAL OF APPEARANCE

A. Procedure. All withdrawals of appearances shall be in writing and by leave of Court. Permission to withdraw shall be given only after the withdrawing attorney has given the attorney's client ten (10) days written notice of the attorney's intention to withdraw and has filed a copy of such with the Court. The Court will not grant a request for withdrawal of appearance unless the same

has been filed with the Court not less than 30 days prior to any scheduled hearing, except for good cause shown as determined by the Court.

- (1) A withdrawal of appearance when accompanied by the appearance of other counsel shall constitute a waiver of the requirements of this Rule.
- (2) All withdrawals of appearance shall comply fully with the provisions of Rules of Professional Conduct, Rule 1.16.

B. Contents of Notice. The letter of withdrawal shall explain to the client that failure to secure new counsel may result in dismissal of the client's case or a default judgment may be entered against the client, whichever is appropriate, and other pertinent information such as any scheduled hearing date or trial date.

RULE 30. PREPARATION OF FILINGS

As used in these rules, the word "filing" shall mean and include pleadings, motions, and any other papers filed with the Court by any party to any cause. All filings shall be prepared in accordance with the provisions of the Indiana Rules of Trial Procedure. For the purpose of uniformity and convenience, the following requirements shall also be observed.

A. Production and Form. Filings may be either printed or typewritten on white, 8-1/2" x 11" paper, with lines double spaced except for quotations, which shall be indented and single spaced and printed on one side only. Copies of filings shall likewise be printed on white paper. Legal-size paper is not permitted. Legible handwritten filings may be accepted in the discretion of the Court.

B. Caption. Every filing shall contain a caption setting forth the name of the Court, the title of the action and the file or cause number. A space two inches (2") square shall be left open for purposes of file marking each filing.

C. Title. Titles on all filings shall delineate each topic included in the filing, e.g. where a filing contains an Answer, a Motion to Strike or Dismiss, and a Jury Request each shall be set forth in the title.

D. Margins and Bindings. Margins shall be one inch (1") on all four sides of the printed document. Binding or stapling shall be at the top left hand side and at no other place. Covers or backing shall not be used.

E. Signature. All filings shall contain the signature of the attorney in written and typed form, the attorney's address, attorney number, telephone number, FAX number, computer address, and a designation of the party for whom the attorney appears. The following form is recommended:

Jamie Doe
Indiana Attorney Number: 1234-56
Doe, Roe and Poe
Suite 1000, Blackacre Building
Valparaiso, IN 46383
Telephone #:(219) 464-1000
Fax number#: (219) 464-1001
Computer address
Attorney for Plaintiff

Neither typewritten signatures nor facsimile signatures shall be accepted on original documents. Facsimile signatures are permitted on copies.

RULE 31. MOTIONS

A. Notice. When a motion requires notice, the serving of the copy of the motion upon the other parties in the cause shall constitute notice of filing same. If the motion requires a hearing or oral argument, the Court shall set the time and place of hearing or argument on the motion.

B. Setting Motions for Hearing. Except for motions to correct error or those described in section D of this Rule, all motions shall be set for hearing at the time of their filing. It shall be the responsibility of the movant or the movant's attorney to secure the date of such hearing from the Court personnel who maintain the calendar for each of the Judges or Magistrates. It shall also be the responsibility of the movant to coordinate the hearing date with all opposing counsel.

C. Motions to Correct Error. Any party may request a hearing upon a motion to correct error by filing a written request therefor by separate instrument at any time before the Court has ruled upon such motion. It shall be discretionary with the Judge before whom the cause is pending whether a hearing shall be held on such motion to correct error.

D. Motions Not Likely to Require Hearing. At the time of filing, a moving party shall bring the following motions to the attention of the Judge assigned:

- (1) Motion for Enlargement of Time;
- (2) Motion to Reconsider;
- (3) Motion for Change of Venue from County;
- (4) Motion for Change of Judge;
- (5) Motion to Dismiss Complaint by Plaintiff when no Answer has been filed;
- (6) Motion to Dismiss Counterclaim by Defendant when no reply has been filed;
- (7) Trial Rule 37 (A) Motions to Compel Responses to Interrogatories (pursuant to T.R. 33), or to Requests for Production (pursuant to T.R. 34).

Such motions shall be summarily granted or denied ex parte unless the Judge, in the Judge's discretion, determines that a hearing should be scheduled on any such motion and schedules a hearing.

E. Oral Arguments on Motions and Other Pleadings. When an oral argument is requested, the request shall be made by separate instrument and filed with the pleading to be argued. Any such oral argument requested may be heard only at the discretion of the Court, except on Motions for Summary Judgment or Motions to Dismiss pursuant to T.R. 41(E), which cannot be granted without hearing.

F. Enlargement of Time. An initial written motion for enlargement of time pursuant to T.R. 6(B)(1) to respond to a claim shall be automatically allowed for an additional thirty (30) days from the original due date with a written order of the Court. Any motion filed pursuant to this Rule shall state the date when such response is due and the date to which time is enlarged. The motion must be filed on or before the original due date or this Rule shall be inapplicable. All subsequent motions shall be so designated and will be granted only for good cause shown.

G. Briefs and Memoranda Regarding Motions. Any brief or memorandum in support of any motion shall accompany or be filed simultaneous with the motion, and a copy shall be promptly served upon the opposing party. If the opposing party desires to file a brief or memorandum, that party must do so within ten (10) days of service of the movant's brief or memorandum. If the moving party desires to file a reply brief or memorandum, that party must do so within five (5) days of service of the response, brief or memorandum.

H. Motions to Strike or to Insert New Matter. Subject to T.R. 12(F) every motion to insert new matter or to strike out any part of any pleading in a cause shall be made in writing and shall set forth verbatim each set of words to be inserted or stricken. Each set of words to be inserted or stricken shall be designated in a separate specification, numbered consecutively.

I. Motion to Reconsider Rulings. A motion to reconsider a ruling of the Court on any motion must be in writing and must be served personally upon the ruling Judge. A motion to reconsider must be filed within fifteen (15) days of the ruling said motion addresses.

J. Motions to Compel Discovery. Upon application of any party who has served a request for discovery pursuant to T.R. 33 or T.R. 34, the Court shall, if it finds that the party to whom the interrogatories or request were directed has not responded within the time allowed, and that the moving party has complied with Trial Rule 26(F), order the non-responding party to respond within a period of time not less than ten (10) days after entry of the Court's order. The Court may, upon written request and for good cause shown, shorten or extend such time as it deems appropriate.

K. Responsibility for Notice. It shall be the responsibility of the movant to give notice to opposing parties of all hearings scheduled on motions.

L. Telephone Argument. The Court, on its own motion or at a party's request, may direct argument of any motion by telephone conference. At the conclusion thereof, the Court may announce its order orally or may take the matter under advisement; but in either event, any order issued thereon shall be reduced to writing and a copy sent to the parties. The Court may further direct which party shall arrange and pay for the cost of the telephone calls.

RULE 32. FILING PROCEDURE

A. Required Number of Orders and Briefs. All orders submitted to the Court shall be accompanied by a sufficient number of copies and the same number of postage paid addressed envelopes, so that a copy may be mailed to each party or counsel of record. The original and one copy of all orders shall be retained by the Clerk.

B. Flat Filing. The files of the Court shall be kept under the "flat-filing" system. All pleadings, documents and papers presented for filing to the Clerk shall be flat, unfolded, arranged in chronological order and affixed in flat file folders by standard prong fasteners.

C. Court Files. No court file nor any part thereof may be removed from the custody of the Court or Clerk by any person, including any attorney, except upon authorization by a Judge of the Court and then only upon such terms and conditions as may be provided by the Judge, one unalterable and invariable condition to be the written acknowledgment of such person that they have such file in their personal possession.

D. Entry Form. Every filing subsequent to the original complaint, shall be accompanied by an entry form, in duplicate, which shall contain the title and number of the case, the date, and the exact entry to appear on the Chronological Case Summary. The entry form shall be typewritten or legibly printed, and shall be signed by counsel. Hearing dates on filings requiring Court action shall be obtained from the Judge's staff. Hearing dates shall be inserted on the entry at the time of filing. All entries will be examined and approved by the Judge to whom the case is assigned, or by any other sitting Judge, if the Judge to whom the case is assigned is unavailable, prior to inclusion in the Court's entries.

E. Service of Copies on Counsel and Unrepresented Parties. Every filing required to be served by T.R. 5 shall be served on all counsel of record either before it is filed or on the day it is filed with the Court. A copy of the entry form of the filing shall also be served on all counsel of record whenever the entry is the appearance of counsel or contains a setting for a Court hearing date. All proposed forms of order shall be submitted in sufficient number that distribution may be made to all parties.

F. Routine Entries. Entries, either routine in nature or uncontested including, for example, those setting or continuing a hearing, shall be set out on an entry form only, which shall contain the concise substance of the entry.

G. Electronic Facsimile Filing. Only parties who have agreed to accept service by electronic facsimile transmission (FAX) are permitted to file by FAX. Any filing by FAX shall not exceed ten (10) pages. FAX filings should be made to the Court in which the case is pending.

RULE 33. CONTINUANCES AND SETTLEMENTS

Motions for Continuance are discouraged. Neither side is entitled to an automatic continuance as a matter of right.

A. Motion for Continuance. Unless made during a hearing or trial, a Motion for Continuance shall be made in writing, stating with particularity the grounds therefore and be verified, and shall state whether opposing counsel objects to the motion, and whether prior continuances have been requested by the moving party.

(1) The Court may require any written Motion for Continuance to be signed by the party requesting the continuance in addition to the signature of the attorney so moving.

(2) The Court may require the stipulation to continue the hearing of any pending matter to state with particularity the grounds for the continuance and be signed by all attorneys of record.

B. Time for Filing. Motions or Stipulations for Continuance must be filed as soon after the cause for continuance or delay is discovered by the movant, and no later than fourteen (14) days before the date assigned for trial or hearing, unless good cause therefor is shown by affidavit to have occurred within the fourteen (14) day period.

C. Court's Discretion. The Court in its discretion may grant or deny a continuance.

D. Rescheduling. Unless the Court directs otherwise, all matters continued shall be rescheduled on the Court's calendar when all attorneys will be available. If all attorneys of record are not present in the Court when a matter is continued, the attorney(s) who requested such continuance shall, within ten (10) days following the granting of the continuance, reschedule the matter continued after ascertaining the availability of all attorneys of record for the rescheduled date and time.

E. Costs of Delay or Continuance. Any cost or reasonable expense incurred by the Court or non-moving party as a result of the continuance or delay may be assessed against the moving party at the discretion of the Court.

F. Costs For Late Settlement of Cause and/or Failure to Notify Court of Settlement. Any cost or reasonable expense incurred by the Court as a result of a late settlement of the cause and/or any cost or reasonable expense incurred by the Court as a result of any failure to notify the

Court of any settlement of the cause may be assessed against either party or parties or all parties, as determined by the Court in its discretion.

(1) Reasonable costs shall include, but are not limited to: costs of juror notification; and, juror per diem and mileage.

(2) All parties have the duty to notify the Court of any settlement of their cause.

(3) Late settlement of the cause means any settlement which is made within fourteen (14) calendar days of the date set for trial.

(4) Late settlement of the cause shall also mean any settlement which is made from the commencement of the trial to and including the return of a verdict by the jury.

(5) Failure to notify the Court of any settlement within five (5) calendar days of the date set for trial shall constitute failure to notify the Court of settlement.

RULE 34. DISCOVERY

A. Time Limit. Counsel are expected to begin discovery promptly. In all cases, discovery shall be completed prior to the pre-trial conference unless otherwise ordered by the Court. For good cause shown, the physical or mental examination of a party, as provided for in T.R. 35 may be ordered at any time prior to the trial.

B. Extensions of Time. For good cause shown and prior to the expiration of the time within which discovery is required to be completed, time may be extended for completion of discovery. Motions and stipulations for additional time for completion of discovery must set forth reasons justifying the additional time. Stipulations extending the discovery period must be approved by the Court.

C. Interrogatories.

(1) Preparation. Interrogatories shall be tailored specifically to each cause in which they are filed, and shall be consecutively numbered to facilitate response. All interrogatories to parties propounded pursuant to T.R. 33 shall be prepared as follows:

(a) An original and two duplicates of all interrogatories to parties shall be prepared and served on the party required to answer. Counsel for the

propounder shall date and sign the interrogatories as of the date of service.

(b) After each interrogatory and every subpart requiring a separate answer, sufficient blank space shall be left by the propounder as is reasonably anticipated may be required for the responder's typewritten answer. If additional space is required for an answer, the responder shall attach supplemental pages, incorporated by reference, to comply with the spirit of T.R. 33.

- (c) Additional space shall be left by the propounder at the close of the interrogatories so that a typewritten signature line and appropriate typed oath or affirmation may be inserted by the responder.
- (2) Number Limited. Interrogatories shall be kept to a reasonable limit not to exceed a total of twenty-five (25) including subparts and shall be used solely for the purpose of discovery and shall not be used as a substitute for the taking of a deposition. For good cause shown and upon leave of Court additional interrogatories may be propounded.
- (3) Answers and Objections. Answers or objections to interrogatories under T.R. 31 or T.R. 33 shall set forth in full the interrogatories being answered or objected to immediately preceding the answer or objections. The responding party shall type the requested answers in the space provided, as required by this Rule, shall supply the oath or affirmation, and shall serve the original and one copy upon propounding counsel.
- (4) Duplicated Forms. No duplicated forms containing interrogatories shall be filed or served upon a party unless all interrogatories on such forms are consecutively numbered and applicable to the cause in which the same are filed and served.
- (5) Filing. No interrogatories shall be filed with the Court except as provided in T.R. 5 E(2).

D. Depositions. Depositions shall be governed by T.R. 30. Video tape or other mechanically reproduced tapes as allowed by T.R. 74, shall be admissible to the same degree as any other depositions. A transcript of the testimony elicited in the video tape shall accompany all video taped depositions filed with the Court.

RULE 35. CASE MANAGEMENT

A. Case Management Conferences. No sooner than 120 days after the filing of any complaint in a civil plenary (PL), civil tort (CT), civil collection (CC), or mortgage foreclosure (MF) case, a case management conference may be scheduled upon motion of any party or the Court. Each party shall be represented at this conference by an attorney familiar with the case, who shall be prepared to discuss and enter into stipulations concerning:

- (1) the exchange of lists of witnesses known to have knowledge of the facts supporting the pleadings. The parties thereafter shall be under a continuing obligation to advise opposing parties of other witnesses as they become known;
- (2) the exchange of all documents, and any other evidence reasonably available, contemplated for use in support of the pleadings;

- (3) a discovery schedule;
- (4) the necessity for additional conferences in complex litigation;
- (5) the necessity for amendments to the pleadings and the filing or hearing of dispositive motions. Absent agreement, the Court shall schedule the filing, briefing, and hearing thereof; and
- (6) settlement and the feasibility of Alternative Dispute Resolution.

B. Case Management Order. At the conclusion of the case management conference, or if the Court chooses not to hold a case management conference, no sooner than 120 days after the filing of the complaint, the Court shall enter a case management order setting forth:

- (1) a time limit for completion of discovery;
- (2) a time limit for filing all pre-trial dispositive motions;
- (3) the scheduling of a pre-trial conference;
- (4) time limits for filing, and the format of proposed preliminary and final jury instructions and objections thereto;
- (5) time limit(s) for filing Motions in Limine;
- (6) time limit(s) for completion of Alternative Dispute Resolution (ADR) and filing of any report required by the ADR rules; and
- (7) any other matters which the parties or the Court have seen fit to address.

RULE 36. PRE-TRIAL CONFERENCES

A. Mandatory Pre-trial Conferences. A pre-trial conference shall be held in every civil plenary and civil tort action, at which each party shall be represented by the attorney who will conduct the trial.

The parties shall exchange written lists of witnesses and photocopies of exhibits, together with contentions and statements of issues of fact and law, at least thirty (30) days prior to the pre-trial conference. Counsel for the first named defendant shall prepare a pre-trial order, which shall be executed by counsel for all parties and filed not later than five (5) days prior to the pre-trial conference. The pre-trial order shall set forth in the following sequence:

- (1) the jurisdiction of the Court;
- (2) the pleadings raising the issues;
- (3) a list of motions or other matters requiring action by the Court;
- (4) a concise statement of stipulated facts, with reservations, if any;
- (5) a concise statement of issues of fact which remain to be litigated;
- (6) a concise statement of issues of law which remain for determination by the Court;
- (7) the plaintiff's contentions;
- (8) the defendant's contentions;
- (9) the plaintiff's numbered list of trial exhibits;

- (10) the defendant's numbered list of trial exhibits;
- (11) the plaintiff's numbered list of trial witnesses, with addresses. Expert witnesses shall be so designated;
- (12) the defendant's numbered list of trial witnesses, with addresses. Expert witnesses shall be so designated; and
- (13) the estimated length of trial.

When, for any reason, the pre-trial order is not executed by all counsel, each shall file not later than five (5) days prior to the pre-trial conference a written statement of the reason therefor accompanied by a proposed pre-trial order.

B. Pre-Trial Order. At the conclusion of the pre-trial conference, the Court shall render a pre-trial order which, when entered, shall control the course of the trial and may not be amended except by order of the Court to prevent manifest injustice.

C. Memoranda of Law. Memoranda of law, addressing any unusual questions of law, shall be filed and served no later than seven (7) days prior to trial.

D. Trial Setting. At the conclusion of the pre-trial conference, the cause shall be set for trial, if a trial setting has not already been made.

E. Sanctions. Failure of the parties or their attorneys to be prepared for the case management conference, for the pre-trial conference, or to otherwise comply with this Rule, shall subject them to sanctions under Trial Rule 16(K).

RULE 37. EXHIBITS

A. Marking in Advance. Exhibits which are not marked at, or prior to the pre-trial conference shall be presented to the court reporter for marking prior to the beginning of the trial, where possible, or during recesses in the trial, so that the trial is not delayed for the marking of exhibits.

B. Custody. After being marked for identification, models, diagrams, exhibits, and material offered or admitted into evidence in any cause pending or tried before the Court or jury shall be placed in the custody of the court reporter unless otherwise ordered by the Judge.

C. Removal. After a case has been decided, unless an appeal has been taken, all models, diagrams, exhibits, or material placed in the custody of the court reporter shall be taken by the parties offering them within six (6) months after the conclusion of the case. At the time of removal, a detailed receipt shall be left with the court reporter and filed with the cause.

D. Destruction of Exhibits. The court reporter shall retain the exhibits from any case for six (6) months after the conclusion of the case, including appeals. After a case is decided and no appeal taken, or after all appeals are completed, the court reporter may give notice in writing to the party introducing the exhibit giving a time within which the exhibit shall be removed from the custody of the court reporter. If the party does not recover the exhibit within the time indicated, the court reporter may dispose of same and the party shall be charged with any expenses of such disposition.

IV. CRIMINAL RULES

RULE 38. CASE ASSIGNMENT AND ALLOCATIONS

A. Superior Division. The Administrator of this Court shall maintain two opaque containers. In each shall be placed four (4) black marbles, four (4) white marbles and four (4) green marbles. One container shall be designated for use in Class D felony charges to be filed in the Superior Division and the other container shall be used for all other criminal charges filed in the Superior Division. Whenever the Prosecuting Attorney of Porter County wishes to initiate a criminal action in the Superior Division of the Court, the Prosecutor shall first go to the Office of the Court Administrator for purposes of determining before which judge the case shall be filed.

The Court Administrator shall remove one (1) marble from the appropriate opaque container. If the marble chosen is black, the Prosecutor shall be directed to take the probable cause affidavit and the charging information to Porter Superior Court #1 for approval and filing. If the marble chosen is white, the Prosecutor shall be directed to Superior Court #2, and if the marble chosen is green, the Prosecutor shall be directed to Circuit Court acting as Superior Court #5. After the Prosecutor is directed to the designated court, the marble chosen shall be placed in an opaque container separate from the original container. Subsequent criminal cases shall be assigned by this same process. Once all twelve (12) marbles have been removed from the original opaque container, they shall be replaced in the original container and the same process will be followed for assignment of subsequent cases. In addition, the Court Administrator shall remove a number of marbles of the same color which corresponds with the number of multiple defendants when the case assigned has multiple defendants.

Class D felony charges filed in the Clerk's Office shall be assigned to Superior Courts 1, 2 and 5 on a rotating basis.

B. County Division Case Assignment and Allocation. The County Division of the Court shall maintain a felony docket, a misdemeanor docket and a traffic infractions docket. Filings on the dockets shall be done in accordance with this Rule as follows:

- (1) Porter Superior Court #3: Porter Superior Court #3 shall receive misdemeanor, felony and infraction filings from the following police departments: Indiana Department of Natural Resources; Indiana State Police Toll Road (District #11); Beverly Shores Police Department; the Department of Transportation, Northern Indiana Commuter Transit Department; Porter County Sheriff's Police; and traffic misdemeanors filed by the Porter County Sheriff. Porter Superior Court #3 shall receive filings from the first five in-custody felony case filings in each month that would have been filed in Porter Superior Court #6 pursuant to this rule.

Porter Superior Court #4: Porter Superior Court #4 shall receive filings from the following police departments: City of Valparaiso; Town of Kouts; Town of Hebron; and Valparaiso University Police Department.

Porter Superior Court #6: Porter Superior Court #6 shall receive misdemeanor, felony and infraction filings from the following police departments: Indiana State Police (District #13); Lowell Post; Portage Police Department; Chesterton Police Department; Ogden Dunes Police Department; Burns Harbor Police Department; and Porter Police Department.

- (2) This Rule shall also govern the filing of ordinance violation cases.
- (3) The County Division of the Court will not accept the filing of Class A, B, C or D Felonies except:
 - (A) Class D Felony for Battery and accompanying charges resulting from the same arrest where the most serious charge is a Class D felony.
 - (B) Class D felony cases which include a charge under Title 9. These shall be filed in the County Division.

IV. Narcotics Unit filings are treated as being filed by the Porter County Sheriff.

Nothing in this Section B shall prevent the County Division Courts from directing filings between the Courts in order to equalize work loads of the several respective courts.

C. Transfers.

(1) It shall be the policy of the Porter Superior Courts, that whenever possible consistent with good case management principles, cases involving the same defendant shall be transferred into one court for resolution of all of the pending cases.

(2) MISDEMEANORS: Any subsequent Misdemeanor case filed against a defendant may be transferred to the Court where the defendant's oldest existing misdemeanor case is pending. In the event the defendant has an open probation case pending in any Misdemeanor Court and is subsequently charged with a new Misdemeanor case, the new Misdemeanor case shall be transferred to the probation case, unless the new Misdemeanor case can be resolved without the resolution of the probation case. Pending as defined herein means any existing Misdemeanor case which is in pre-disposition status.

(3) D FELONY CASES: Any subsequent Misdemeanor or Class D Felony case may be transferred to the Court where the defendant's oldest existing Class D Felony case is pending. In the event the defendant has an open probation case pending in any court and is subsequently charged

with a D Felony case, the D Felony case may be transferred to the open probation case, unless the D Felony case can be resolved without the resolution of the probation case.

(4) MURDER, A, B, and C FELONY CASES: Any subsequently filed Misdemeanor or D Felony case may be transferred to the court where the defendant's oldest Major Felony case is pending. However, no new Misdemeanor case involving Title 9 (traffic) may be transferred without prior agreement of both the sending and receiving court.

(5) Any Court may choose to "opt out" of transferring or receiving transferred cases by notifying the other Superior Courts of their election to not transfer or accept transferred cases.

D. Traffic Tickets.

(1) Tickets must contain specific court dates and times. Citations must contain the court date and the court times.

(2) Tickets must be turned into the Clerk's Office before the court date. Tickets turned in on the court date or thereafter will be dismissed with an Order that shows the officer has not filed the ticket with the Court on time.

E. Change of Venue From The Judge, Disqualification and Recusal

(1) **SUPERIOR DIVISION** The Court Administrator shall maintain an opaque container in which shall be placed one black marble, one white marble and one green marble. In the event that any judge of the Superior Division of the Porter Superior Court grants a change of venue from the judge under Rule 12 of the Indiana Rules of Criminal Procedure, the Court Administrator shall select a marble from the above mentioned opaque container. The special judge shall be assigned based on the color of the marble chosen by applying subdivision A of this rule. However, if applying subdivision A of this rule would result in the same judge who granted the change of venue being named as special judge, then the judge of Porter Superior Court #4 shall be named special judge in the case.

(2) **COUNTY DIVISION** The staff of each of the judges of the County Division of the Porter Superior Court shall maintain an opaque container in which shall be placed one blue marble, one yellow marble and one red marble. In the event that any judge of the County Division of the Porter Superior Court grants a change of venue from the judge under Rule 12 of the Indiana Rules of Criminal procedure, a staff member of that judge shall select a marble from the opaque container maintained at that Court. If the marble drawn is red, the case shall be assigned to the judge of Porter Superior Court #3 as special judge. If the marble drawn is yellow, the case shall be assigned to the judge of Porter Superior Court #4 as special judge. If the marble drawn is blue, the case shall be assigned to the judge of Porter Superior Court #6 as special judge. However, if the color of the marble drawn would result

in the same judge that granted the change of venue being named as special judge, then Porter Superior Court Magistrate #2 shall be named special judge in the case.

(3) In the event that a special judge selected under paragraph 1 or 2 is disqualified under the Code of Judicial Conduct or excused from service by the Indiana Supreme Court, another marble shall be selected and the special judge assigned accordingly.

(4) For felony, misdemeanor and infraction cases filed in the County Division of the Court, if the judge to whom a case is assigned under Rule 38(B) of these rules is disqualified under the Code of Judicial Conduct or recuses himself/herself for any reason, the Court, based upon caseload and geographical considerations, sets out the following reassignment schedule:

Cases from 64D03 shall be reassigned to 64D06

Cases from 64D04 shall be reassigned to 64D03

Cases from 64D06 shall be reassigned to 64D04

RULE 39. WITHDRAWAL OF APPEARANCE

Permission of the Court is required to withdraw the appearance of counsel for a defendant. Counsel desiring to withdraw appearance in any criminal action at any stage of the proceedings shall file a motion requesting leave to do so. Such motion shall fix a time (to be procured from the Judge's staff) when such motion shall be heard. Moving counsel shall also file with the Court satisfactory evidence of at least ten (10) days written notice of such hearing to the attorney's client. Further, the notice to the client shall also contain notice of the next scheduled calendar setting in the cause. A withdrawal of appearance, when accompanied by the appearance of other counsel, shall constitute a waiver of this requirement.

RULE 40. BOND

A. Arrest Warrants. At the time a probable cause affidavit is presented to a Judge of the Court, if the Judge orders an arrest warrant issued, the Judge shall also set the amount of bond. The amount of bond for all Murder, Class A, B, C and D felonies which are presented to the Court for a finding of probable cause and issuance of an arrest warrant shall be determined on a case by case basis.

B. Bond Schedule. The following bond schedule shall apply to all Class D felonies and all misdemeanors unless otherwise ordered by a Judge of the Court.

	PORTER CO. RESIDENTS Surety	PORTER CO. RESIDENTS Cash	OUT OF COUNTY Surety or	OUT OF STATE Cash
Class D Felonies (Class D Felony)	\$5,000	\$1,000	\$5,000	\$2,000
Class A Misdemeanors	\$2,500	\$ 600	\$3,000	\$1,000
Class B Misdemeanors	\$ 2,000	\$ 450	\$2,500	\$750
Class C Misdemeanors	\$ 1,500	\$300	\$2,000	\$400

NOTE: The above schedule applies for a charge of Domestic Battery filed as a Class A Misdemeanor or Class D Felony issued on a warrantless arrest only after the accused is held for 48 hours after the arrest in order to allow any potential victim the opportunity to appear before a magistrate or judge, then he/she shall be held without bond pending an initial appearance before the assigned court for the purpose of setting bond, bond conditions, court dates, and if appropriate, no contact orders.

INDIANA MOTORISTS: Whenever an Indiana resident has been stopped for a traffic misdemeanor, the person shall be released from custody by the arresting officer upon signing a written promise to appear in court at a time and date indicated on the promise/summons; unless the offense is one of the following:

1. Any offense causing or contributing to an accident resulting in injury to or death of any person;
2. A violation of I.C. 9-30-5;
3. Failure to stop in the event of an accident causing death, personal injury or damage to property;
4. Driving While Suspended or Revoked, a Class A Misdemeanor;
5. An offense for which the person refuses to give his written promise to appear in court.

For any of the offenses listed above at #1 thru #5 the above bond schedule shall apply.

OUT-OF-STATE MOTORISTS: Use the above bond schedule for all out-of-state motorists arrested for:

1. Any offense causing or contributing to an accident resulting in injury to or death of any person;
2. A violation of I.C. 9-30-5;
3. Failure to stop in the event of an accident causing death, personal injury or damage to property;
4. Driving While Suspended or Revoked, as a Class A Misdemeanor;
5. An offense for which a motorist refuses to post a security deposit.

NON-COMPACT STATES: All other traffic misdemeanors for non-resident motorists shall require a security deposit in the amount of the cash bond for that offense. For infractions, the non-resident motorist may post a cash bond as a security for release.

COMPACT STATES: For all other traffic misdemeanors and infractions, a non-resident motorist may post his license as security for release so long as the license was issued by a Compact State.

TRUCKS: The Schedule of Deposits published by the Court shall apply.

C. ADDITIONAL CONDITIONS OF BOND: In addition to the conditions of the bail bond, the following conditions shall apply:

- (1) defendant **shall appear** in court at all times required by the court;
- (2) defendant **shall not commit nor be arrested for** another criminal offense;
- (3) defendant shall keep his/her attorney and the bondsman, if any, advised in writing of any change of address within 24 hours of such change; and
- (4) any other conditions ordered by the court.

Violation of any condition may result in revocation of bond and issuance of arrest warrant.

D. OFFENSES COMMITTED WHILE A PERSON IS ALREADY ON BOND OR FORMAL PROBATION. If jailers or arresting officers know a person is out of jail on bond or is on formal probation and is arrested on a new bondable offense, no bond shall be accepted on the new charge until the Defendant has appeared in court on the new charge. The Defendant should be brought into court on the new charges as soon as possible.

RULE 41. AFFIDAVIT RELATING TO PRIOR CRIMINAL RECORD

In all criminal cases submitted for disposition by plea agreement the following affidavit form shall be used and affixed to the plea agreement.

I hereby disclose the following prior criminal record including arrests:

<u>Charge</u>	<u>Conviction/Sentence if any</u>	<u>County/State</u>	<u>Year</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

On Probation now? ____ Yes ____ No On Parole now? ____ Yes ____ No

OTHER PENDING CHARGES:

Full Name _____
Birth Date _____ Social Security Number _____

I AFFIRM, UNDER PENALTIES OF PERJURY, THAT THE ABOVE DISCLOSURE IS TRUE AND COMPLETE, LISTING ALL CRIMINAL ACTIVITY WITH WHICH I HAVE BEEN CHARGED, AND LISTING ALL CHARGES NOW PENDING AGAINST ME. I UNDERSTAND THAT IN THE EVENT THIS DISCLOSURE IS INACCURATE IN ANY RESPECT, THE STATE OF INDIANA SHALL BE PERMITTED TO REVOKE ANY PLEA OFFER, OR WITHDRAW FROM ANY PLEA AGREEMENT.

I UNDERSTAND THAT MY ATTORNEY IS IN NO MANNER RESPONSIBLE FOR THE ACCURACY OF THIS AFFIDAVIT.

Date

Defendant

RULE 42. PLEA AGREEMENT DEADLINE DATE

In all criminal prosecutions scheduled for trial by jury the plea agreement deadline date shall be not less than thirteen days before trial. The Court shall not accept any plea agreements filed after this date, except for just cause shown. Plea agreements must be in written form and signed by the defendant and counsel and the prosecuting attorney or his deputy. The Court may hold the plea hearing on the plea agreement deadline date or otherwise schedule the hearing to another date depending upon time available. In the event the parties have no plea agreement, the Court may hold a status conference with counsel and the defendant and prosecuting attorney on the deadline date, in order to narrow the issues, to discuss stipulations, and to otherwise streamline the trial.

RULE 43. TRIAL

The Court shall control the trial calendar. The prosecuting attorney may advise the Court of facts relevant in determining the priority of cases on the trial calendar. Thirty (30) days prior to trial or such other dates as the Court may fix, the Court may order the defendant to appear and confirm his/her plea and desire for trial of the cause.

RULE 44. MOTIONS

A. Continuance. Upon motion of any party, the Court may grant a continuance only upon showing of good cause and only for so long as necessary, taking into account not only the request or consent of the prosecution or defendant, but also the public interest in the prompt disposition of the case. All orders granting continuances shall indicate on which party's motion the continuance is granted.

B. Other Motions. Any application to the Court for an order shall be made by a written motion, unless made during the trial or the hearing, when the Court permits it to be made orally.

- (1) Unless otherwise provided by law or rule, only the original copy of a motion need be filed. The original shall state the grounds upon which the motion is made and set forth the relief or order sought. It may be supported by an affidavit. It shall be accompanied by a memorandum in support thereof.
- (2) All motions shall be signed by an attorney of record, or the defendant personally, and shall clearly identify the attorney's printed name, their Indiana Attorney Registration Number, and the name, address and telephone number of the firm with which the attorney filing same is associated. A rubber stamp or facsimile signature on the original shall not be acceptable.

RULE 45. WAIVERS

Whenever a defendant waives a right, the Court shall enter of record that the defendant is present, and after having been advised of such right, waives the same. The Court may also require that the waiver of a right be in writing, signed by the defendant personally and approved by the Court.

Any waiver may be set aside by the Court to prevent any injustice.

RULE 46. FAILURE TO APPEAR

If a defendant fails to appear before the Court when summoned or otherwise ordered by the Court to appear, the Court may summarily issue a warrant for the defendant's immediate arrest and appearance before the Court.

RULE 47. PRE-TRIAL DISCOVERY

In all criminal cases, reciprocal pre-trial discovery shall be available to both the State and the defendant, upon request of the opposing party, as follows:

A. State. The State shall produce, upon request, the following:

- (1) The names, last known addresses, dates of birth, and social security numbers of persons whom the State intends to call as witnesses, together with their relevant written or recorded statements, memoranda containing substantially verbatim reports of their oral statements and a list of memoranda reporting or summarizing their oral statements.
- (2) Any written or recorded statements and the substance of any oral statements made by the accused or by a co-defendant, and a list of witnesses to the making and acknowledgment of such statements.
- (3) A transcript of those portions of grand jury minutes containing testimony of the accused or a co-defendant, and a list of witnesses to the making and acknowledgment of such statements.
- (4) Any reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons.

- (5) Any books, papers, documents, photographs or tangible objects which the prosecuting attorney intends to use in the hearing or trial, or which were obtained from, or belong to, the accused.
- (6) Any record of prior criminal convictions which may be used for impeachment of the persons whom the State intends to call as witnesses at the hearing or trial.

B. Defendant. The defendant shall produce, upon request, the following:

- (1) The person of the accused. Subject to Constitutional limitations the accused shall:
 - (a) Appear in a line-up.
 - (b) Speak for identification by witnesses for an offense.
 - (c) Be finger printed.
 - (d) Pose for photographs not involving re-enactment of a scene.
 - (e) Try on articles of clothing.
 - (f) Permit the taking of specimens of material from under the defendant's fingernails.
 - (g) Permit the taking of samples of the defendant's blood, hair or other materials of the body which involve no unreasonable intrusion.
 - (h) Provide a sample of the defendant's handwriting.
 - (i) Submit to a reasonable physical or medical inspection of the defendant's body.
- (2) Whenever the personal appearance of the accused is required for the foregoing purposes reasonable notice of the time and place of such appearance shall be given by the State to the accused and the accused's counsel, who shall have a right to be present.
- (3) Subject to Constitutional limitations the State shall be informed of, and permitted to inspect and copy or photograph, any report or results, or any testimony relative thereto, of physical or mental examinations or of scientific tests, experiments or comparisons, or any other reports or statements of experts which defense counsel possesses or controls, except that those portions of reports containing statements made by the defendant may be withheld if defense counsel does not intend to use any of the material contained in the report at a hearing or trial.
- (4) Subject to Constitutional limitations defense counsel shall inform the State of any defenses which defense counsel intends to make at a hearing or trial and shall furnish the State with the following material and information within defense counsel's possession and control.
 - (a) The names, last known addresses, dates of birth and social security numbers of persons defense counsel intends to call as witnesses, together with their

relevant written or recorded statements, including memoranda, reporting or summarizing their oral statements, and record of prior criminal convictions known to the defense attorney.

- (b) Any papers, books, documents, photographs or tangible objects defense counsel intends to use as evidence or for impeachment at a hearing or trial.

C. All Parties.

- (1) If, subsequent to compliance, a party discovers additional material or information which is subject to disclosure, that party's attorney shall promptly notify the other party or the other party's counsel of the existence of such additional material, and if the additional material or information is discovered during trial, the Court shall also be notified.
- (2) Any materials furnished to an attorney pursuant to this Rule shall remain in that attorney's exclusive custody and shall be used only for the purpose of conducting that attorney's side of the case, and shall be subject to such other terms and conditions as the Court may provide.
- (3) Upon a showing of cause the Court may, at any time, order that specified disclosures be restricted or deferred, or make such other order as is appropriate, providing that all material and information to which a party is entitled must be disclosed in time to permit that party's counsel to make beneficial use thereof.

D. Failure to Comply. If at any time during the course of the proceedings it is brought to the attention of the Court that a party has failed to comply with this Rule or an order issued pursuant thereto, the Court may order such party to permit the discovery of material and information not previously disclosed, and the Court may order a continuance, or enter such other order as it deems just under the circumstances. Willful violation by counsel of this Rule or an order issued pursuant thereto may subject counsel to appropriate sanctions.

E. Discretionary Protective Order. Either side may apply for a protective order for non-disclosure of requested discovery. The Court may deny disclosure if it finds that there is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from such disclosure which outweighs any usefulness of the disclosure to counsel.

F. Matters not subject to disclosure.

- (1) Work product. Disclosure is not required of legal research or of records, correspondence, reports or memoranda to the extent that they contain the opinions,

theories, or conclusions of the State or members of its legal or investigative staffs, or of defense counsel or his/her staff.

- (2) Informants. Disclosure of an informant's identity will not be required where there is a paramount interest in non-disclosure and a failure to disclose will not infringe upon the constitutional rights of the accused. Disclosure of the identity of witnesses to be produced at a hearing or trial will be required.
- (3) Any matters protected by law.

RULE 48. PRE-TRIAL CONFERENCE

At any time after the filing of the indictment or information, the Court upon motion of any party or upon its own motion, may order one or more conferences to consider such matters as will promote a fair and expeditious trial. In all felony cases the Court will schedule a final pre-trial conference. At the conclusion of the conference the Court may prepare and file a pre-trial conference order which documents all matters agreed upon. No admissions made by the defendant or his attorney at the conference may be used against the defendant unless the admissions are reduced to writing and signed by the defendant and his attorney.

The representative of the Prosecutor's Office having the authority to negotiate disposition of the cause and the representative of the Prosecutor's Office who will represent the State at trial of the cause shall appear at the pre-trial conference. The defense attorney and defendant shall appear for the pre-trial conference. Discovery shall be completed by the time of pre-trial. Any pre-trial motions must be submitted in writing seven (7) days prior to the pre-trial conference.

V.

PROBATE RULES

RULE 49. NOTICE

Whenever notice by publication and/or written notice by U.S. mail is required to be given, the attorney shall prepare such notice and shall ensure that such notice is properly published and/or served by certified mail, return receipt requested. The notice shall comply with all statutory requirements. It shall be the attorney's responsibility to provide proof of service prior to bringing a matter to the Court. Copies of petitions shall be sent with all notices where the hearing involved arises from the matters contained in the petition. Notice of the opening of an estate shall be sent by first class United States mail to all readily ascertainable creditors.

RULE 50. PLEADINGS

A. Filing. When pleadings are filed by mail, or left with the Court for filing, a self-addressed, stamped envelope shall be included for return of documents to the attorney. Routine pleadings, such as inventories, inheritance tax schedules, and final reports, may be filed with the Clerk for transmittal to the Court.

B. Orders. All attorneys are required to prepare orders for all proceedings except when expressly directed otherwise by the Court.

C. Signature and Information. Every pleading, including inventories, petitions, and accountings, filed in an estate or guardianship shall be signed and verified by the fiduciary and signed by the attorney for the fiduciary. The initial petition to open an estate or guardianship shall contain the name, address, social security number, and date of birth of the fiduciary, if a person.

RULE 51. BOND

A. Amount and Exceptions. In every estate and guardianship, the fiduciary, prior to the issuance of letters, shall file a corporate surety bond not less than the value of the personal property to be administered, plus the probable value of annual rents and profits of all property of the estate in such amount as shall be set by the Court, except as hereinafter provided:

- (1) Where, under the terms of the Will, the testator expresses an intention that the bond be waived, the Court shall set a bond adequate to protect creditors and taxing authorities.
- (2) Where the fiduciary is an heir or legatee of the estate, the bond may be reduced by said fiduciary's share of the estate.
- (3) Where the heirs or legatees have filed a written request that the fiduciary serve without bond, the bond may be set in the amount adequate to protect the rights of the creditors and taxing authorities only.
- (4) In an unsupervised estate, bond may be set at the discretion of the Court.
- (5) No bond shall be required in any supervised estate or guardianship in which a corporate banking fiduciary qualified by law to serve as such is either the fiduciary or one of several co-fiduciaries.

B. Restriction in Lieu of Bond. In lieu of a bond as required by Section A of this Rule, a fiduciary may restrict transfer of all or part of the liquid assets of the estate or guardianship by placing those assets in a federally-insured financial institution with the following restriction placed on the face of the account or document: NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT WRITTEN ORDER OF THE CIRCUIT OR SUPERIOR COURT OF PORTER COUNTY, INDIANA. The attorney for the estate or the fiduciary shall file with the Court written acknowledgment by the federally insured financial institution of the account's restriction.

C. Value. All petitions to open an estate or guardianship shall set forth the probable value of the personal property plus the estimated annual rents and profits to be derived from the property in the estate or guardianship.

D. Surety. The name and address of the insurance agency providing the corporate surety bond shall be typed or printed on all corporate bonds in any estate or guardianship.

RULE 52. INVENTORY

An inventory shall be filed by the fiduciary in all estates and guardianships as follows: Estates (supervised and unsupervised), within sixty (60) days; Guardianships, within ninety (90) days for permanent guardians and within thirty (30) days for temporary guardians. All times relate to the date of appointment of the fiduciary. In the event a partial inventory is filed, all subsequent inventories must contain a recapitulation of prior inventories.

RULE 53. REAL ESTATE

A. Appraisals. In all supervised estates and guardianships in which real estate is to be sold, a written professional appraisal shall be filed with the Court at the time of filing the Petition for Sale unless such appraisal was filed with the Inventory. Such written appraisal shall include as a minimum the following elements:

- (1) A brief description of the property interest being appraised, including the full legal description thereof.
- (2) Purpose or objective of the appraisal.
- (3) Date for which fair market value is determined.
- (4) Data and reasoning supporting the fair market value.
- (5) Fair market value determined.
- (6) Statement of assumptions and special or limiting conditions.
- (7) Certification of disinterest in real estate.
- (8) Signature of the appraiser.

All such appraisals shall be made within one year of the date of the Petition for Sale.

B. Deeds. All deeds submitted to the Court for approval in either estate or guardianship proceedings shall be signed by the fiduciary and the signature notarized prior to its submission. All such deeds shall be submitted with the Report of Sale of Real Estate or at the time of the hearing on the Final Account. Copies of such deeds shall be filed with the Court for its records.

C. Recording. Whenever a final decree reflects that real estate has vested in heirs or beneficiaries, the decree shall be recorded with the recorder of the county where any such real estate is located and evidence of said recording shall be provided to the Court with the Supplemental Report.

RULE 54. SALE OF PERSONAL PROPERTY

A. Appraisals. In all supervised estates and guardianships, no Petition to Sell Personal Property shall be granted unless a written appraisal prepared by a person competent to appraise such property and setting forth the fair market value thereof, is filed with the Court at the time of the filing of the Petition to Sell, unless such appraisal was filed with the Inventory. All appraisals shall be made within one year of the date of the Petition to Sell. This rule shall not apply to personal property which is sold at public auction.

B. When No Appraisal Required. No written appraisal shall be required for the sale of assets which are traded in a market and the value of which is readily ascertainable. Such assets include, but are not limited to, stocks, bonds, mutual funds, commodities, and precious metals.

RULE 55. CLAIMS

Five (5) months and fifteen (15) days after the date of the first published notice to creditors, the fiduciary, or the fiduciary's attorney, shall examine the Claim Docket and shall allow or disallow each claim filed against the estate.

RULE 56. ACCOUNTINGS

A. Intermediate Accounting. Whenever an estate cannot be closed within one (1) year, an intermediate accounting shall be filed with the Court within thirty (30) days after the expiration of one year and each succeeding year thereafter. Such accounting shall comply with the provisions of I.C. 29-1-16-4 and 29-1-16-6 and:

- (1) Shall state facts showing why the estate cannot be closed and an estimated date of closing.
- (2) Shall propose partial distribution of the estate to the extent that partial distribution can be made without prejudice to distributees and claimants.

B. Form and Content. All accountings shall include the following:

- (1) All guardianship accountings shall contain a certification of an officer of any financial institution in which guardianship assets are held, verifying the account balance. (See Appendix C).
- (2) All Social Security or Medicare benefits received on behalf of an incapacitated person shall be included and accounted for in the guardianship accountings unless Court approval has been previously granted to allow said funds to be paid directly to a residential or health care facility.
- (3) In all supervised estate and guardianship accountings, vouchers or canceled checks for the expenditures claimed shall be filed with the accounting. No affidavits in lieu of vouchers or canceled checks will be accepted from individual fiduciaries. An affidavit in lieu of vouchers or canceled checks may be accepted from a state or federally chartered financial institution who serves as a fiduciary, provided the financial institution retains the vouchers or canceled checks on file or by electronic recording device and makes same available to interested parties upon court order. The Court may require such institution to provide a certification from its Internal Audit Department verifying the accuracy of the accounting.
- (4) In all supervised estate and guardianship accountings, a notation shall be placed by each expenditure indicating the reason for or nature of the expenditure.
- (5) All accountings to the Court shall contain an itemized statement of the assets on hand.
- (6) Receipts or canceled checks for all final distributions shall be filed either in the final report, or a supplemental report, before discharge will be granted by the Court.
- (7) All accountings shall follow the prescribed statutory format. Informal, handwritten, or transactional accountings will not be accepted.

C. Court Costs and Claims. All court costs shall be paid and all claims satisfied and released before the hearing on the Final Account and a Clerk's Certification thereof (see Appendix D) shall be filed with the Court before such Final Account shall be approved.

D. Proof of Tax Payment. The Federal Estate Tax Closing Letter and the Indiana Inheritance Tax Closing Letter (or the counter-signed receipt) or a photocopy thereof, showing payment of all Federal Estate and/or Indiana Inheritance Tax liability in the estate, shall be attached to the Final Report at the time of filing.

RULE 57. FEES OF ATTORNEYS AND FIDUCIARY

A. Unsupervised Estates. No attorney or fiduciary fees will be determined or authorized for payment by the Court in any unsupervised administration of a decedent's estate.

B. Supervised Estates and Guardianships. No fees for fiduciaries or attorneys shall be paid out of any supervised estate or guardianship without prior written order of the Court. A guardian or guardian's attorney may petition for fees at the time of filing an inventory. No further petition for fees may be filed until a biennial, annual, or final accounting has been filed.

- (1) Where contracts for legal services have been entered into prior or subsequent to the opening of an estate or guardianship, the Court reserves the right to approve or disapprove the fee contracts consistent with the Court's fee guidelines.
- (2) All petitions for fees for the attorney and/or fiduciary shall conform to the fee guideline set out in Appendix E and shall specifically set forth all services performed in detail as well as the amount of the fee requested and how it has been calculated.
- (3) Unjustified delays in carrying out duties by the fiduciary and/or attorney will result in a reduction of fees.

RULE 58. UNSUPERVISED ADMINISTRATION

A. Consent. No petition for administration without Court supervision shall be granted unless the consent requirement of I.C. 29-1-7.5-2(a)(4) is met, along with all of the other requirements of I.C. 29-1-7.5-2(a).

B. Inventory. A complete inventory of estate assets shall be filed with the Court within sixty (60) days of the appointment of the fiduciary.

C. Court Costs and Claims. All Court costs shall be paid and all claims satisfied and released on or before the date of the filing of the Closing Statement and a Clerk's Certification thereof (see Appendix D) shall be filed with the Court at the time such Closing Statement is filed with the Court.

D. Taxes. Every Closing Statement shall comply with Local Rule 58D.

RULE 59. GUARDIANSHIPS

A. Physician's Report. In all guardianship matters seeking to declare an adult incapacitated by reason of physical or mental illness, a Physician's Report (See Appendix F) by the doctor treating the alleged incapacitated person or such additional evidence as the Court shall require, shall be presented to the Court at the time the petition is filed or on the hearing date. No determination will be made without a supporting medical report or testimony.

B. Guardian's Report. Current reports filed by a guardian of the person shall state the present residence and the general welfare of the incapacitated person. If the incapacitated person is an adult and the incapacity is due to physical or mental illness, a Physician's Report by a treating physician shall be filed with the current report, verifying that the incapacity of the person remains unchanged since the date the guardianship was established or the date of the last current report and that the living arrangements for the incapacitated person are appropriate.

C. Guardian of a Minor. In every petition for the appointment of a guardian of the person of a minor child, in addition to the information required by I.C. 29-3-5-1, the following information shall be included in the petition:

- (1) The places where the child has lived within the past two years and the names and present addresses of persons with whom the child has lived during that period.
- (2) Whether, to Petitioner's knowledge, any other litigation is pending concerning the custody of the child in this or any other state.
- (3) Whether, to Petitioner's knowledge, any person not a party to the guardianship proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child.

VI. FAMILY COURT

FAMILY COURT CASES

The primary objective of the Porter County Family Court is to coordinate cases among family members throughout the judicial process. This allows judges to review family issues in a comprehensive manner, consolidate hearings when appropriate, issue non conflicting orders, impose sanctions to best fit family needs and instill accountability. To implement this concept, new techniques and information management systems are needed to identify family members and link their cases as they enter the judicial system

These rules are implemented for Family Court cases only.

DEFINITIONS

Family Court. “Family Court” is the court or courts before which cases involving a family or household are linked together for purposes of case coordination. The individual cases maintain their separate integrity and separate docket number, but may be given a common Family Court designation. The individual cases may all be transferred to one judge, or may remain in the separate courts in which they were originally filed.

Family Court Proceeding. A “Family Court Proceeding” is comprised of the individual cases of the family or household which have been assigned to Family Court.

RULE 60. JURISDICTION AND RELATED CASES

A. Porter County Family Court will have jurisdiction over cases in which a family with children or household with children has involvement in multiple cases, as indicated by the Family Court matrix, of the following types: CHINS, delinquency, juvenile status offense, child support, termination of parental rights, adoption, placement of children, paternity, dissolution of marriage, mental health, domestic violence, protective order, adult criminal (intra-family) and alcohol or drug charges.

B. The Court has determined that the following types of matters constitute cases that are related when a named party and family or household member(s) have matters pending of the following types: CM, or DF filings involving domestic and/or family violence related charges and/or substance abuse charges, and all cases of the following types: PO, JM, JS, JP, JT, JD, JC, DR, GU, AD and MH.

C. The Family Court may exercise jurisdiction over any case involving the family at the same time it exercises jurisdiction over a juvenile case involving the family.

D. The Family Court may, in the court's discretion, set hearings on related cases to be heard concurrently, take evidence on the related cases at these hearings, and rule on the admissibility of evidence for each cause separately as needed to adequately preserve the record for appeal. This rule applies only when the cases are pending before the same judicial officer.

RULE 61. ASSIGNMENT OF CASES, CLERK'S RESPONSIBILITIES AND CHANGE OF JUDGE

A. The supervising judge of the Porter County Family Court shall approve the assignment of cases to the Family Court. The transfer and consolidation of cases assigned to Family Court are subject to the provisions of Rule 65 of these Family Court Rules.

B. Upon assignment of a case to Family Court, case management procedures shall be implemented, and all parties are to be notified. The Clerk is to enter the Family Court assignment on the chronological case summary.

C. The Clerk of the Court shall enter the answers contained in numerical paragraphs #1, #5 and #6 of the entry of Appearance Form in the information field of the Jalen Case Management System. In Protective Order cases, the date of birth and social security number of the petitioner shall be entered as confidential information.

D. Notice of Case Assignment: within a reasonable time after a case is assigned to Family Court: the Court shall provide to all parties in the Family Court proceeding a list of all cases that have been assigned to that Family Court proceeding.

E. Change of Judge: once notice is sent to the parties that a case has been selected for Family Court, no motion for change of venue from the judge may be granted except to the extent permitted by Indiana Trial Rule 76. A motion for change of venue from the judge in any matters arising in the Family Court proceeding or any future cases joined in the Family Court proceedings after the initial selection of cases, shall be granted only for cause.

F. Special Judge: if a special judge is appointed, all current and future cases in the Family Court proceeding may be assigned to the special judge.

G. Objection to Family Court designation: within ten (10) days after notice is sent that a case has been selected for Family Court, a party may object for cause to the Family Court designation.

RULE 62. CASE CONSOLIDATION AND TRANSFER

The supervising judge of the Porter Family Court may enter orders for the consolidation and transfer of cases assigned to Family Court when the judicial officers presiding over such cases do not object. No case shall be transferred or consolidated until the judicial officers to whom such cases have been assigned have been advised of the contemplated action. The consolidation and transfer of Family Court cases shall be accomplished by the entry of an order signed by the supervising judge.

RULE 63. JUDICIAL NOTICE AND ACCESS TO RECORDS

A. Judicial Notice: any court having jurisdiction over a case assigned to Family Court can take judicial notice of any relevant orders or Chronological Case Summary (CCS) entry issued by any Indiana Circuit, Superior, County, or Probate Court.

B. Procedurally, if a court takes judicial notice of:

(1) a court order, the court shall provide a copy of that order; or

(2) a CCS or CCS entry(s), the court shall provide a copy of the entire CCS.

The court shall provide copies of the order or CCS to the parties to the case at or before the time judicial notice is taken.

C. Access to Records: parties to a Family Court proceeding shall have access to all cases within the Family Court proceeding, with the exception of confidential cases or records to which they are not a party. Parties may seek access to confidential cases or records in another case within the Family Court proceeding in which they are not a party, by written petition based on relevancy and need. Confidential records shall retain their confidential status and the Family Court shall direct that confidential records not be included in the public record of the proceedings.

RULE 64. REQUIREMENT TO UPDATE INFORMATION

When a household or family member leaves the residence of a *party*/family whose case has been assigned to Family Court, the Family Court case manager shall be notified within three working days by the party or their counsel, and the new address is to be provided to the case manager.

RULE 65. ENTRY OF APPEARANCE FORMS

A. Entry of Appearance Forms as approved by the Porter Circuit Court and the Porter Superior Court shall be utilized. If the answer to item #6 on the Appearance Form is in the affirmative, submit a duplicate appearance form. An entry of Appearance Form that does not comply with these rules is subject to being stricken. (See Appendix E & F in Family Law Section)

B. In Protective Order filings, after entering all public information in the Jalen Case Management System, the Clerk shall place the entry of Appearance Form filed by the petitioner in the confidential file.

C. The report of a guardian ad litem or CASA shall be available to the Family Court staff under the same rules of confidentiality which apply to submission of such reports to judicial officers. The Family Court staff shall be subject to the rules of confidentiality which apply to guardians ad litem and CASAs.

RULE 66. ADMINISTRATIVE MATTERS

A. Administration: The judges of the Porter Circuit Court and the Porter Superior Court shall elect one of their members to serve as supervising judge of the Porter County Family Court. The supervising judge shall serve for a term of two years. The supervising judge can be reelected.

B. The supervising judge of the Porter County Family Court shall have the responsibility of administering Family Court. This shall include the employment and supervision of Family Court personnel. The implementation of rules for Family Court shall be done only after consultation with and approval by a majority of Porter County judges.

C. The supervising judge of the Family Court and/or its coordinator may report and discuss case procedures with, and report case management status, to any judicial officer presiding over that case regarding the Family Court case assignment.

VII.

ADMINISTRATIVE RULE

RULE 67. COURT REPORTER SERVICES

The undersigned courts comprise all of the courts of record of Porter County, Indiana, and hereby adopt the following local rule by which court reporter services shall be governed.

SECTION ONE. DEFINITIONS

- (1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- (3) Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) Regular Page means the page unit of transcript which results when prepared in non-appellate fashion.
- (5) Appellate page means the page unit of transcript which results when prepared with marginal notes, footnotes, or headers, and Table of Contents in the form required by Indiana Rules of Appellate Procedure.
- (6) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (7) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.
- (8) Gap hours worked means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- (9) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.
- (10) Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

- (11) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Porter County.
- (12) County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (13) State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (14) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.
- (15) Expedited transcript means any transcript requested to be delivered sooner than one week before the record is due to be filed with the Clerk of the Court of Appeals.

SECTION TWO. SALARIES AND PER PAGE FEES.

- (1) Court reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.
- (2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be a regular page rate of \$3.50 per page; \$3.75 per page, appellate pay rate; and an expedited rate of \$6.50 per page for expedited transcripts. The court reporter shall submit directly to the county a claim for the preparation of the county indigent transcript. In setting this rate, we take into account the use of county equipment for transcription.
- (3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be a regular page rate of \$4.00 per page, payable as follows: \$3.50 per page directly to the court reporter and \$.50 per page paid directly to the county if county equipment is used for transcription; and \$4.25 per page, appellate page rate, payable as follows: \$3.75 per page payable directly to the court reporter and \$.50 per page paid directly to the county if county equipment is used for transcription; and an expedited rate of \$6.50 per page for expedited transcripts, with \$.50 per page paid directly to the county if county equipment is used for transcription.
- (4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be a regular page rate of \$5.00 per page, payable as follows: \$4.50 per page payable directly to the court reporter and \$.50 per page paid directly to the county if county equipment is used for transcription; \$5.25 per page, appellate page rate, payable as follows:

\$4.75 per page payable directly to the court reporter and \$.50 per page payable directly to the county if county equipment is used for transcription; and an expedited rate of \$8.50 per page for expedited transcripts, with \$.50 per page paid directly to the county if county equipment is used for transcription.

- (5) The maximum fee that a court reporter may charge for copies shall be \$2.00 per page.
- (6) The minimum fee that a court reporter may charge for transcripts is \$35.00.
- (7) An additional labor charge of the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript and exhibits.
- (8) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

SECTION THREE. PRIVATE PRACTICE.

- (1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - (a) The reasonable market rate for the use of equipment, work space and supplies;
 - (b) The method by which records are to be kept for the use of equipment, work space and supplies; and
 - (c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
- (2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.